

BEFORE THE HAWKE'S BAY REGIONAL COUNCIL

APP-126684

UNDER

The Resource Management Act 1991 ("**RMA**"
or "**the Act**")

IN THE MATTER

of a resource consent application to the
HAWKE'S BAY REGIONAL COUNCIL for
various resource consents for the operation,
upgrading and maintenance of the
Ravensdown Napier Works Fertiliser Plant
and the establishment and maintenance of a
Wetland Restoration Project.

**STATEMENT OF EVIDENCE BY STEPHEN GRAEME DAYSH ON BEHALF
OF RAVENSDOWN LIMITED**

16 November 2022

1. INTRODUCTION

- 1.1 My name is Stephen Daysh. I am a partner with the firm Mitchell Daysh Limited, which practices as a planning and environmental consultancy throughout New Zealand, with offices in Auckland, Hamilton, Tauranga, Napier, Nelson and Dunedin.
- 1.2 I hold a Bachelor of Regional Planning (Honours) degree from Massey University and have over 35 years' experience as an environmental planner and project manager. I am a member of the New Zealand Planning Institute, the Resource Management Law Association, the New Zealand Geothermal Association, and the International Geothermal Association.
- 1.3 My specialist areas of practice include providing resource management advice to the private and public sectors, facilitating public consultation processes, undertaking planning analyses, managing resource consent acquisition projects, and developing resource consent conditions. I also have considerable experience as a process and meeting facilitator with a speciality in co-ordinating community-based option assessment processes for planning issues, often utilising multi-criteria evaluation methodologies.
- 1.4 I am an accredited Hearings Commissioner (with a Chair's endorsement) and have acted as a Hearings Commissioner on approximately 100 occasions, many in the role of Hearing Chair.

2. CODE OF CONDUCT

- 2.1 I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. My evidence has been prepared in compliance with that Code and I agree to follow it when presenting evidence to the Hearing.
- 2.2 I confirm that my evidence is within my area of expertise except where I state that I am relying upon the specified evidence of another person, and that I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

2.3 I understand and accept that it is my overriding duty to assist the Hearing Panel in matters that are within my expertise as a planner. I understand my role is to assist impartially on the relevant matters within my area of expertise and that I am not an advocate for the party that has engaged me.

3. RELEVANT EXPERIENCE AND EXPERTISE

3.1 Most of my practice has been in New Zealand, where I have worked on planning projects in many regions, but I also have experience with environmental permitting and decision making in other jurisdictions, namely Indonesia and the Pacific Islands.

3.2 In relation to this hearing my particular fields of experience and expertise are:

- a) Acting as Project Manager / Lead Consultant for applicants undertaking feasibility assessments and the consenting or re-consenting of large infrastructure and industrial developments, including briefing and coordinating experts to undertake the necessary range of environmental investigations and assessment reports;
- b) Designing and facilitating community based alternatives assessment processes for a wide range of planning issues, often utilising multi-criteria evaluation methodologies;
- c) Assessing environmental effects and developing mitigation and/or compensation packages for identified adverse effects, where avoidance or remediation of effects cannot practically be implemented;
- d) Working in consultation with Māori to ensure appropriate recognition and inclusion of relevant cultural values and interests in project feasibility processes, alternatives assessments, and in the avoidance, remediation or mitigation of identified effects; and
- e) Drafting fair, effective and workable resource consent conditions (along with other mechanisms such as private agreements in some instances) for resource consents and designations.

4. BACKGROUND AND SCOPE OF EVIDENCE

4.1 Mitchell Daysh Limited was engaged by Ravensdown Limited (“Ravensdown”) in November 2019 to provide strategic resource

management and consultation advice as a part of the Core Project Team for the application for new and replacement water and discharge permits, and land use consents required for the operation, upgrading and ongoing maintenance of the Ravensdown Napier Works Fertiliser Plant.

- 4.2 I, along with my colleague Anita Anderson, briefed the technical experts engaged to provide technical advice and effects assessment reports, managed the preparation of the consent application and section 92 response documents and drafted the proposed consent conditions lodged as part of the application package, with advice from the Ravensdown expert technical team, and Plant Manager Andrew Torrens.
- 4.3 As is good practice in my experience, the condition set has been the subject of a number of reviews throughout the latter parts of the project and has benefited from input from various parties including the Applicant's legal team and technical experts, submitters and mana whenua. A number of changes to the proposed conditions recommended by Council experts have also been incorporated.
- 4.4 These conditions have been accepted and agreed by the Council as detailed in the s42a Officers Report dated 31 October 2022, with some minor suggestions for changes to the conditions in section 15.1 of the report. The applicant team reviewed these suggestions and proposed some changes / additions to the conditions via an email on 3 November 2022. A full set of revised proposed conditions from those appended to the s42a Officers Report incorporating these and other minor changes are attached (16 November 2022 version).
- 4.5 The s42a Officers Report also recommended a consent term of 35-year duration for the "long term consents"¹ (being the air, land and water discharges and the water take associated with the operation of the plant and the water treatment system) and a 10-year duration for the consents related to enabling works for the stormwater and process water treatment facilities and the wetland enhancement project ("HARP").

¹ Section 16, s42A Officers Report

4.6 The Chair of the Hearing Panel² directed submitters to respond to the Revised Proposed Conditions and additional information (as circulated on 10 October 2022) provided to submitters by 5.00 pm Wednesday, 2 November 2022 including advice as to whether:

(a) Any specific additional wording changes to the Revised Conditions are sought by them; and/or

(b) They continue to wish to be heard regarding any outstanding issues remaining at that point.

4.7 No responses were received by this deadline, however subsequent to this Shade Smith on behalf of one of the submitters, Ngati Kahungunu Iwi Inc (“NKII”), advised on Friday 4 November that NKII oppose a consent duration of 35 years.

4.8 In addition to this, Reynold Ball, on behalf of Te Whatu Ora - Health New Zealand (“Te Whatu Ora”) (formerly the Hawke’s Bay District Health Board), provided a response on 4 November 2022 commenting on the review conditions and noting that “*Health no longer wishes to be heard in relation to their submission*” unless “*other submitters feel the need to take outstanding issues to a hearing that may change consent conditions, then Health would still like to be heard*”. *In-part Health would be supporting the term of consents and conditions, however would take the opportunity to talk to the points raised above, and consider points from other submitters*”.

4.9 The purpose of my evidence is to set out the reasons that, in my opinion, a 35-year term is suitable and appropriate for the Ravensdown air, land and water discharges and the water take associated with the operation of the plant and the water treatment system, and to comment on the review condition proposed in response to the points raised by Te Whatu Ora

5. RAVENSDOWN CONSENTING JOURNEY

5.1 Through the process of developing the resource consent application package Ravensdown has made a significant commitment to minimise and

² Para 12, Minute of the Chair of the Hearing Panel dated 28 October 2022

manage the effects of its activities on the receiving environment to better align with the company's goals of ensuring that all aspects of its business are undertaken in a sustainable way.

- 5.2 This commitment from Ravensdown and for the Napier Works is based on future-focused environmental outcomes and is reflected in the proposed set of integrated consent conditions.
- 5.3 As outlined in the November 2021 Assessment of Environmental Effects document, Ravensdown is a significant contributor to the employment and economic environment of Hawke's Bay having manufactured fertiliser at the Napier Works site since 1953. The current plant and equipment at the site have an assessed replacement value of approximately \$242 million.
- 5.4 The future focused approach to this current consenting process is based on an absolute commitment to an extensive program of new works in relation to both the site's air and water discharges and a commitment to ensuring that the treated water which is either discharged to land via irrigation, or which reaches the Waitangi Estuary area, has very low levels of contaminants. In my view this strategic and forward-looking approach as it relates to water related discharges in particular, aligns with the expectations of the NPS-FW (and in particular the concept of Te Mana o te Wai) and the proposed TANK Plan Change water quality discharge standards well ahead of the Hawke's Bay Regional Council's 2040 target. Ravensdown is achieving this outcome through the implementation of a sophisticated staged water treatment system for the site stormwater and process water.

6. MANA WHENUA ENGAGEMENT AND SUPPORT

- 6.1 Further to the comprehensive conditions and financial commitment (described below), Ravensdown has also committed to the development of an enduring relationship with mana whenua.
- 6.2 Ravensdown recognised the significance to the site and the surrounding environment to mana whenua early in the resource consent process. The involvement of mana whenua representatives in the comprehensive discharge options analysis undertaken by the Technical Focus Group

informed the water discharge hierarchy outlined in proposed consent condition 1 of the General Conditions relating to the land and water discharge permits. Mana whenua members of the TFG were clear that a preferential discharge to land via spray irrigation is the preferred option for the discharge of the treated stormwater and process water from the site.

6.3 In addition to this, the collaborative approach to developing the proposed Mana Whenua Recognition and Participation conditions within the consent has provided the opportunity for mana whenua to assist Ravensdown in the implementation of aspects of the consent the via the Awapuni Reference Komiti including through:

- Provision for Mātauranga Māori through mauri monitoring.
- The establishment and recruitment of a new Kaihāpai Taiao role.
- Implementation of the recommendations set out in the Cultural Values reports provided with the application, including a Whataangaanga Cultural Heritage Project.
- Championing opportunities for habitat abundance enhancement with other local industries and discharge consent holders, in addition to the HARP within the wider Waitangi Estuary catchment.

6.4 Ravensdown and representatives of mana whenua, including NKII (on invitation of representatives of Kohupatiki Marae), met throughout 2022 to discuss and develop the ongoing relationship, and collaboratively draft and finalise the Mana Whenua Recognition and Participation conditions. The mana whenua roopuu supported the final wording of the conditions at the final meeting on 6 October 2022 and subsequently via email. At the final 6 October 2022 meeting Shade Smith suggested that a 35-year term might be appropriate, if Ravensdown committed to further wetland enhancement over and above the HARP project. I explained it would be more appropriate for Ravensdown (supported by the Awapuni Reference Committee) to champion this outcome, working in with other businesses and HBRC, as the having the main stormwater discharge into the Waitangi Estuary. This was agreed and proposed condition 30(b) of the General Conditions relating to

the land and water discharge permits was strengthened to elaborate on this “championing role”.

- 6.5 As a result of this collaborative process, Ngāti Pārau Hapū Trust have provided its support for a 35-year consent term (letter dated 28 October 2022 - attached).
- 6.6 In addition to this process with the mana whenua, and as suggested in section 15.1 of the s42A Officers Report, Ravensdown provided a draft “preamble” via email to respond to submitters views (including that of NKII³ and Forest and Bird⁴) that the consents should “give effect to Te Mana o Te Wai”. The following “preamble” is based on the precedent set in another recently granted HBRC resource consent, which I understand was written collaboratively with a Planner representing NKII as part of the preparation of a Joint Witness Statement for that project⁵, and is proposed to be added above condition 1 of the General Conditions relating to both Land and Water Discharge Permits.

PREAMBLE

The purpose of these consents is to enable the ongoing operation of the Ravensdown Napier Works. The effects of the authorised activities have been considered in the context of the current and likely future state of the receiving environments, including other activities and how they contribute to those environments. The intent is that the undertaking of activities by the consent holder in accordance with the conditions of these consents will positively contribute to Te Mana o te Wai.

- 6.7 In my view, the inclusion of this “preamble”, the collaborative and supportive mana whenua engagement process, and the changes made to the consent conditions with mana whenua appropriately responds to all of the submission points made by NKII.

³ NKII Submission, 18 February 2022

⁴ Email to S Exeter, 3 November 2022

⁵ Joint Witness Statement of Simon Bendall, Grey Wilson & Sven Exeter, 26 May 2022

7. CONSENT REVIEW CONDITIONS

- 7.1 The letter provided by Te Whatu Ora⁶ refers to the proposed consent review condition 62 of the air discharge permit. Over the course of the conditions review process at expert conferencing, the prehearing meetings and with the Council Consents planner, Ravensdown has modified this condition to address points made by Te Whatu Ora.
- 7.2 The review conditions provide both for any council review as a result of changes to regional or national policy and planning documents, and for requiring Ravensdown to implement any continual improvement projects recommended in the 10 Year Technology reviews, that are not implemented by the consent holder itself. It is my view that this combination of the review conditions as proposed⁷, alongside the Technology Review condition (proposed condition 57) goes above and beyond typical review clauses in other similar resource consent conditions I have been involved in and in planning terms no further changes are required or necessary to ensure an appropriate resource management outcome.

8. CONSENT TERM

- 8.1 Section 14 of the s42A Officers Report notes that both the Hawke's Bay Regional Resource Management Plan ("RRMP") and the Hawke's Bay Regional Resource Management Plan ("RCEP") allow for a consent duration of up to 35 years. Consents for other regionally significant physical resources have been granted by the Hawke's Bay Regional Council in recent years in accordance with these policies⁸.
- 8.2 The "high bar" approach to its discharge management volunteered by Ravensdown is highly commendable, forward looking and has a strong social license given we are at this hearing today with no submitters opposing grant of consent based on the inclusive pre-hearing process directed by the Hearing Panel.

⁶ Letter, 4 November 2022

⁷ Proposed conditions version dated 16 November 2022 - Air discharge permit, conditions 57 and 63, and General Conditions relating to the land and water discharge permits, conditions 33 and 34.

⁸ Pan Pac Forest Products Limited - Ocean Discharge

- 8.3 I can see no planning reasons why a 35-year term should not be granted for the following reasons.
- 8.3.1 Selection of the preferred land-based discharge environment for the water discharge permit as recommended by all parties in the TFG, including mana whenua.
 - 8.3.2 The company has done all the work necessary for the effective long-term management of the site through its three proposed Management Plans that have clear objectives, methods of implementation and outcome related provisions.
 - 8.3.3 The volunteered 10 Year Technology Reviews, combined with the very comprehensive Council review conditions means that there is every safeguard needed for the hearing panel to be confident that the high standards Ravensdown has set itself will be maintained (and indeed potentially improved through the continual improvement elements of the Technology Reviews) over a 35-year consent term.
 - 8.3.4 The agreed package of Mana Whenua Recognition and Participation conditions (conditions 26 to 31) that outline ongoing involvement in environmental management of the Ravensdown Napier Works and surrounds for the whole life of the resource consent term.
- 8.4 The carefully crafted and effective review conditions outlined above, when combined with the ongoing regulatory compliance functions of the Regional Council, gives me confidence that there is little to no risk to the environment of granting a 35-year term.
- 8.5 I have been involved in many new and re-consenting infrastructure projects where clients like Ravensdown had also volunteered comprehensive and robust discharge conditions, combined with solid review conditions and with mana whenua involvement and support were granted a 35-year term. The four examples below are useful comparisons, which I am happy to expand on if required:

- Contact Energy Hauāuru mā Raki Wind Farm – Board of Inquiry
- Contact Energy Te Mihi Geothermal Power Station – Board of Inquiry
- Contact Energy Tauhara Geothermal Power Station – Board of Inquiry
- Pan Pac Forest Products Ocean Outfall – Environment Court

8.6 After considering evidence with similar conditions to what Ravensdown has proposed, the decision makers above granted long term resource consents.

8.7 Ravensdown has committed to significant capital costs in relation to the proposed activities where the upgrade works associated with the site air discharges is approximately \$30 million, and proposed water treatment improvement works and the HARP, is estimated to be in the order of \$10 million. This is a significant capital cost to set up the Napier Works as a long-term sustainable site.

8.8 In addition to these capital costs the associated operational costs and the overall obligation for Ravensdown as a result of the proposed consent conditions over a 35-year term is significant. It is important to recognise that this has resulted from a genuine commitment to achieve the outcomes for the betterment of the receiving environment and stakeholder relationships.

8.9 It is also noted that following the receipt of the updated consent conditions, both Ngāti Pārau Hapū Trust and Te Whatu Ora have provided written support for the 35-year term of consents.

9. CONCLUSION

9.1 In my view, the process taken by Ravensdown to get to this point where there are no outstanding technical issues and there is a strong relationship with mana whenua, has been exemplary and should be considered a gold standard example for re consenting of industrial and process industries.

9.2 It is my opinion that a 35-year term can well and truly be justified in resource management terms for these resource consents based on the well-considered and inclusive TFG recommendations regarding the air and water

discharge strategies and the resource consent conditions proposed,
developed by, and agreed by all parties.

Stephen Daysh

16 November 2022

**ATTACHMENT 1: REVISED PROPOSED CONDITIONS SET - 16 NOVEMBER
2022**

RAVENSDOWN LTD
NAPIER WORKS SUSTAINABLE SITE PROJECT
HAWKE'S BAY REGIONAL COUNCIL RESOURCE CONSENTS
PROPOSED CONDITIONS

Updated 16 November 2022

- Underline / Strikethrough and associated comments - to incorporate suggestions made in section 15.1 of HBRC s42A report (highlighted) and to include standard HBRC "Condition 1" where appropriate or no other similar condition is already proposed.



HBRC CONSENT - DISCHARGE TO AIR

Activity Description: To discharge contaminants into the air from the operation and maintenance of a sulphuric acid and fertiliser manufacturing plant at Awatoto including all ancillary activities.

Consent Duration: 35 years from the commencement date of this consent.

CONDITIONS

1. All works and structures relating to this resource consent shall be designed and constructed to conform to the best engineering practices and at all times maintained to a safe and serviceable standard.
- 1.2. The activities authorised by this consent shall be undertaken generally in accordance with the Assessment of Environmental Effects dated 30 November 2021 and associated management plans and other information supplied as part of the application for this resource consent. If a conflict arises between any conditions of this consent and the application, the conditions of this consent will prevail.
- 2.3. There shall be no discharge of particulate matter (including dust) or odour that causes an offensive or objectionable effect beyond the boundary of the site.
- 3.4. Notwithstanding any other condition of this consent, there shall be no discharge to air from the site of gases, airborne liquid or other airborne contaminants beyond the site, that causes adverse effects on human health, ecosystems or property.

Advice Note:

For the purpose of this condition the term site shall mean 'land and all assets on it'.

Product Storage

- 4.5. All bulk materials stored on site shall be kept inside a building.
- 5.6. The consent holder shall ensure regular sweeping of yard and road areas using vacuum cleaning to minimise emissions of dust beyond the boundary of the site

Acid Plant

- 6.7. The Acid Plant stack shall be no less than 55 metres above ground level, the furnace pre-heat stack no less than 18 metres above ground level, and the auxiliary boiler stack no less than 15.8 metres above ground level.
- 7.8. The emission rate of Sulphur Dioxide (SO₂) from the Acid Plant stack shall not exceed 1.5 kilograms (kg) per minute (two minute average) and:
 - a) 60 kg/hour (one hour average) at any time until completion of the construction and commissioning of the replacement Acid Plant Converter¹.
 - b) 40kg/hr (one hour average) at any time following construction and commissioning of the replacement Acid Plant Converter..
- 8.9. The combined discharge rate of Sulphur Trioxide (SO₃) and Sulphuric Acid (H₂SO₄) (expressed as SO₃) from the acid plant stack shall not exceed:
 - a) 2 kg/hr as a 1-hour average at any time;

¹ Commissioning shall be as soon as practicable and no later than 1 January 2026.

Commented [AA1]: 16 Nov 2022 - Addition of standard HBRC condition added as requested by M Miller, HBRC

b) 0.5 kg/hr for at least 50% of the monitored 1-hour averages in any 3 month period.

9-10. The discharge from the acid plant may contain up to 150 milligrams per cubic metre (mg/m³) at NTP SO₃ / H₂SO₄ expressed as SO₃ for not more than 4 hours after igniting sulphur in the case of a cold start and not more than 1 hour in the case of a warm start up. This shall be measured in accordance with USEPA method 8 or another method as approved by Council.

Advice note:

The NTP (Normalised Temperature and Pressure) for the purposes of this consent is based on 0 degrees Celsius at 1 atmosphere pressure.

10-11. An acid plant cold start up sulphur ignition shall not occur:

- a) between the hours of 1:00 am and 10:00 am on clear still mornings when the wind speed is less than 2 m/s and there is no cloud; and
- b) when the wind direction is between 030 and 155 degrees (onshore winds).

Advice note:

For the purposes of this consent, an acid plant cold start refers to starting the acid plant from cold, this occurs following a complete shutdown when the acid plant is starting from ambient temperatures and diesel is used to pre-heat the plant. An acid plant warm start refers to starting the acid plant when the plant is already warm, this occurs following a short plant stop, usually less than 8 hours, when the temperature in the acid plant has been maintained above a critical limit.

11-12. The discharge from the acid plant stack shall be clear at all times, except that a visible white plume may occur within four hours of igniting sulphur in the case of a cold start up and within one hour in the case of a warm start up.

12-13. The discharge from the acid plant shall not occur during wind directions between 030 and 155 (onshore winds) between the months of August to May inclusive, when either of the following meteorological conditions occur:

- a) The relative humidity measured on-site at 10 metres above ground level is 92% or greater, wind speed at 10 metres above ground level is 3 m/s or less and it is not raining; or
- b) The relative humidity measured on-site at 10 metres above ground level is 95% or greater, wind speed at 10 metres above ground is greater than 3 m/s and it is not raining.

13-14. Except as allowed for by Condition ~~10-11~~ the Acid plant discharge shall cease within 30 minutes of the above meteorological conditions identified in Condition ~~12-13~~ being detected and shall not recommence until these conditions have not occurred for a period of at least 30 minutes. Plant operators shall be alerted when the measured relative humidity at 10 metres above ground during onshore winds (030-155 degrees) exceeds 90%, and careful observation of meteorological conditions and the visible plume discharge shall occur during such conditions. A record shall be kept of the dates, time periods and meteorological conditions when the acid plant operation ceases according to this condition. This record shall be provided to the Council on request and otherwise annually.

14-15. A system shall be maintained that automatically shuts off the sulphur feed to the burner so that the discharge to air rate of SO₂ from the sulphuric acid production process does not exceed the emission rates set out in Condition 8.

15-16. The diesel oil burning rate in the auxiliary boiler shall not exceed 580 litres per hour.

16-17. The concentration of hydrogen sulphide (H₂S) shall not exceed 7 µg/m³ (with a 1 hour averaging time) in the ambient air at or beyond the boundary of the premises as a result of emissions from the consent holder's property.



Advice note:

Monitoring of H₂S shall only be required if any complaints are received. Such monitoring shall assess wind and other environmental conditions at the time of the complaint along with other likely sources to determine if onsite management at the Ravensdown Napier Works may be required to remedy or mitigate the effect.

Manufacturing Plant

17-18. Stack Height

- a) Prior to the commissioning of the new combined Manufacturing stack, discharges from each den scrubber shall be via stacks with a height of no less than 38 metres above ground level.
- b) Prior to the commissioning of the new combined Manufacturing stack discharges from the hygiene scrubber shall be via a stack with a height of no less than 36 metres above ground level.
- c) The combined Manufacturing stack shall be installed and operational by 1 January 2024 with a discharge height, including cowl, of no less than 50 metres above ground level as measured from the base of the stack.

18-19. All extracted emissions from the superphosphate manufacturing process shall be discharged through either the den stacks or the hygiene stack, or the combined manufacturing stack following its commissioning.

19-20. The rate of particulate matter discharged from any Bradley mill shall not exceed 1 kg/hr per mill, and 2 kg/hr in total when two or more mills are in operation.

20-21. The sum of the fluoride compounds discharged from the den stacks and the hygiene stacks, (prior to the commissioning of the combined manufacturing stack) measured in the samples taken in accordance with condition 31-32 expressed as fluoride on a one-hour average basis, shall not exceed:

- a) a maximum discharge rate of 1.5 kg/hr; and
- b) 1 kg/hr in more than 50% of samples taken in any 12-month period.

21-22. The sum of the fluoride compounds discharged from the combined manufacturing stack (after commissioning) measured in the samples taken in accordance with condition 31-32 expressed as fluoride on a one hour average basis, shall not exceed a maximum discharge rate of 1 kg/hr.

22-23. The pH of the condensate from the den and hygiene stacks or the Manufacturing stack, shall be no lower than 2.7 except in the period August to September when the pH shall be no lower than 4.0.

23-24. As part of the annual vegetation monitoring programme undertaken under condition 48-49 the visual assessment process shall monitor any changes in the flowering period of susceptible crops (peaches, apricots, nectarines) within a 2km radius of the Napier Works. If there is a change in the peak flowering period of more than 10% of these susceptible crops that falls outside 1 August to 30 September period for two years in any five year period then the consent holder shall adjust the timeframe for pH being no lower than 4.0 as described in condition 22-23 above to correspond with the new flowering period.

24-25. An automated water deluge system for the manufacturing den mixer shall be used to minimise contaminant discharges in the event of failure of the mixing process.

Cooling Towers

25-26. The evaporative cooling towers shall be regularly dosed with micro-biocides to maintain the concentration of the micro-biocide in the cooling water at the level recommended by the supplier

Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

that prevents the establishment of Legionella bacteria. Records shall be kept to demonstrate compliance with this condition and shall be provided to the Council on request.

Source Control Management

26-27. The consent holder shall undertake actions as described in the *Ravensdown Napier Works Source Control Management Plan October 2022* or subsequent revisions required by condition 13 of the general conditions relating to both land and water discharge permits, to reduce the concentrations of fugitive airborne contaminants from the site.

Onsite Monitoring

27-28. The consent holder shall operate a meteorological station in a location that reasonably represents meteorological conditions on the site. The station shall continuously record, wind speed, wind direction, temperature and relative humidity, and display them in real time in the manufacturing control room and the acid plant control room. The location and the resolution, accuracy and averaging time of monitoring equipment shall be agreed in writing by the Council. All processed data shall be archived and made available to the Council on request.

28-29. All sampling and surveys shall be carried out by an independent suitably qualified person, or by the consent holder or its representative where the Council has agreed to this in writing. Where the consent holder or its representative carries out testing or monitoring, an independent suitably qualified person shall audit the monitoring and testing methodology at least once per year, unless otherwise agreed in writing by the Council, and shall provide a written report describing the extent of compliance with the required protocol. A copy of this report shall be provided to the Council as part of the Annual Report.

29-30. All analyses in accordance with conditions on the consent shall be carried out by an independently accredited laboratory to ISO/IEC Guide 25, or to the satisfaction of the Council.

30-31. The consent holder shall continuously (i.e., at intervals not exceeding 1 minute) measure the rate of SO₂ discharge in the emissions from the acid plant stack. The method of measurement shall be in accordance with ISO10396:2007 (*Stationary source emissions – Sampling for the automated determination of gas emission concentrations for permanently – installed monitoring systems*) or an alternative method, approved in writing by the Council. Testing results shall be reported in the Annual Report as a mass emission rate in units of kg/hr as both 1-minute and 1-hour averages.

31-32. The consent holder shall measure the rate of discharge of SO₂, SO₃ and H₂SO₄ in the emissions from the acid plant stack, at least twice per year at times when acid is being produced. This monitoring shall be undertaken in accordance with USEPA Method 8 (“Determination of sulphuric acid mist and sulphur dioxide emissions from stationary sources”) or an alternative method that is approved, in writing, by the Council.

32-33. The consent holder shall measure the discharge rate of fluoride in the emissions from manufacturing stacks during superphosphate manufacture and no test may commence within one hour of starting acidulation. The method of measurements shall be in accordance with USEPA Method 13B (“Total fluoride specific ion electrode”) or an alternative method approved, in writing, by the Council. The testing frequency shall be:

- a) Fortnightly until completion of the construction and commissioning of the combined manufacturing stack.
- b) Weekly for the six-month period following commissioning of the combined manufacturing stack.
- c) Monthly following the six month period outlined in condition 32-33(b) above or at such further reduced frequency as the Council may agree in writing



Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

33.34. The consent holder shall measure the rate of discharge of SO₂ in the emissions from the manufacturing stacks monthly. The measurement is to be carried out during superphosphate manufacture and no test may commence within one hour of starting acidulation. This monitoring shall be undertaken in accordance with USEPA Method 8 (“Determination of sulphuric acid mist and sulphur dioxide emissions from stationary sources”) or an alternative method that is approved, in writing, by the Council.

34.35. The rate of particulate matter discharged from each mill shall be measured at least once every 6 months. The method of sampling and analysis shall comply with USEPA Method 5 or Method 17, ISO 9096:2003 or ASTM D3685-98, or a similar iso-kinetic method to the satisfaction of the Council. The testing time for each sample shall be 2- hours continuous, and at least three samples shall be collected. Results shall be adjusted to 0°C, 101.3 kilopascals, on a dry gas basis, and as a mass emission from each stack expressed as kg/hr.

35.36. The Bradley Mill baghouses shall be operated with broken bag detectors. A central alarm system shall be operated to warn the plant operator of a bag breakage or any change in pressure that may indicate a broken filter bag. The bag filters serving the Bradley mills shall also be manually inspected on a regular basis and shall be replaced where the inspection reveals excessive wear. Records shall be kept of Bradley mill shutdowns, manual inspections and filter bag replacements. These records shall be provided to the Council on request.

36.37. Discharges from the Bradley Mill baghouses shall be from stacks that discharge vertically into air with a minimum discharge height of 1 m above the roof ridge height of the Manufacturing Plant building within 18 months from the commencement date of this consent. The Bradley Mill discharge stacks shall not be impeded by any obstruction above the stack that decreases the vertical efflux velocity below that which would occur in the absence of such obstruction.

37.38. The pH of the condensate from the manufacturing stack(s) shall be measured monthly. The method by which the condensate is to be measured shall be approved in writing by the Council.

Offsite and Ambient Monitoring

38.39. The consent holder shall measure ambient fluoride, in accordance with the monitoring plan required by condition **55-56** and based on a continuous filter exposure period of 7- days. The results shall be reported as average concentration (µg/m³) over that 7-day sample period. Measurements shall be taken at the following sites, listed below;

Site	Easting (NZMG)	Northing (NZMG)
Brookfields Orchard	28452407	6175251
Plumpton Park	2844864	6177075
Ravensdown Back Paddock	2846499	6175772
Ravensdown Front Paddock	2846745	6176068
<i>New site east of Ravensdown Napier Works</i>	<i>Location to be defined in consultation with HBRC</i>	
<i>New site in the vicinity of the Napier City Council Cross Country Drain pumping station</i>	<i>Location to be defined in consultation with HBRC</i>	

39.40. The location of the sites are shown on HBRC Conditions Plan A. Locations may be modified after securing the agreement of the relevant landowner and with the written



Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

approval of the Council. The concentration of fluoride in ambient air measured in accordance with condition 38-39 shall not exceed $0.8 \mu\text{g}/\text{m}^3$ (7 day average) at areas used for horticultural production (including Brookfields Orchard and Plumpton Park (locations as detailed in condition 3435).

40-41. The 7-day average concentration of fluoride measured at the Ravensdown Back Paddock and [new northern site] monitoring site (location as detailed in condition 3839), shall not exceed $1.7 \mu\text{g}/\text{m}^3$.

41-42. The 7-day average concentration of fluoride measured at the Ravensdown Front Paddock and [new eastern site] monitoring sites (locations as detailed in condition 3839), shall not exceed $5.5 \mu\text{g}/\text{m}^3$.

42-43. The consent holder shall ensure ambient fluoride measurement is undertaken in accordance with AS3580.13.2 – 1991 (“Method 13.2: Determination of fluorides – Gaseous and acid soluble particulate fluorides – Manual, double filter paper sampling”) or an alternative method approved, in writing, by the Council.

43-44. Ambient fluoride measurement undertaken in accordance with condition 38-39 shall occur at a height of 2.4 metres above ground level.

44-45. Fugitive SO_2 monitoring:

- a) The consent holder shall install and operate at least two ambient SO_2 monitors around the acid plant in order to detect fugitive SO_2 emissions. The monitoring sites shall be located east of Ravensdown Napier Works, and at the Ravensdown Back Paddock monitoring site as described in condition 38-39 and shall be agreed in writing by the Council prior to establishment. The concentration of SO_2 in ambient air shall be monitored continuously (at least every minute) by UV fluorescence analysis, according to the method of measurement AS3580.4.1 – 1990 (“Method 4.1: Determination of sulphur dioxide – direct reading instrumental method”), or an alternative method agreed to in writing by the Council; and
- b) In the event that ambient concentrations of SO_2 measured at either of the monitoring sites described by condition 44-45 (a) exceed $350 \mu\text{g}/\text{m}^3$ as a 10-minute average, immediate action shall be taken to ensure that measured SO_2 concentrations are reduced to less than $350 \mu\text{g}/\text{m}^3$ as a 10 minute average. A record shall be kept of all occurrences when measured SO_2 concentrations exceed this limit and the corrective action taken. This record shall be provided to the Council on request and otherwise annually.
- c) Any exceedance of the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (NES) for SO_2 shall be reported as soon as practicable after detection.

45-46. Concentrations of $\text{PM}_{2.5}$ and PM_{10} in ambient air shall be monitored continuously at two sites according to a method of measurement that complies with the monitoring requirements in the NES, or an alternative method agreed to in writing by the Council. The monitoring shall begin within 3 months of commencement of this consent. The monitoring sites shall be located east of Ravensdown Napier Works, and at the Ravensdown Back Paddock monitoring site as described in condition 38-39 and shall be agreed in writing by the Council prior to establishment. Results shall be provided as a 24-hour average. Any exceedance of the NES for $\text{PM}_{2.5}$ and PM_{10} shall be reported as soon as practicable after detection.

46-47. The consent holder shall undertake continuous dust monitoring at two locations, one on the eastern and one on the western side of the Manufacturing Plant, in accordance with AS/NZS 3580.12.1.2015. ‘Methods of sampling and analysis of ambient air – Part 12.1: Determination of light scattering integrating nephelometer method’ to determine effectiveness off the SCMP. Details of the two continuous dust monitoring site locations, monitoring trigger concentration values and management responses, and maintenance and



Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

calibration requirements for the instruments are to be set out in the monitoring plan required condition 55-56 of this consent.

47-48. The consent holder shall undertake a Window Clarity survey on receipt of a reasonable request from a property owner within 1 km of the manufacturing plant stack using the methodology outlined in the BRANZ report DCZ059 (25 June 2004). Any windows found to be affected to 'pen test level 3' or where Light Gloss Units (LGU) are equal or less than 115 as described in BRANZ report DCZ059, shall be replaced by the consent holder if the property owner wishes the glass to be replaced.

48-49. The consent holder shall undertake a vegetation monitoring programme that has been approved by the Council in accordance with the monitoring plan required condition 55-56 of this consent. The programme shall provide for the following matters:

- a) A visual assessment of vegetation; and
- b) A determination of foliar fluoride concentrations; and
- c) The timing of the vegetation monitoring programme (which shall occur during the months of November to May inclusive for the duration of the consent, unless otherwise agreed in writing by the Council); and
- d) The monitoring methodology which shall be agreed in writing by the Council; and
- e) The location of any monitoring, including but not limited to the following sites.

Site	Easting (NZMG)	Northing (NZMG)
Brookfields Orchard, Kings Road	28452407	6175251
Plumpton Park Orchard, Awatoto Road	2844864	6177075
Simkin Orchard, Awatoto Road	2844899	6177531
T&G, Willowbank Road	2845130	6177681
Johnny Appleseed Orchard, Brookfields Road, Meeanee	2844016	6174605
Dewer Orchard, Awatoto Road	2845361	6176994
Johnny Appleseed Orchard, King Road, Meeanee	2845210	6175167
Brookfields Winery, Brookfields Road	2843841	6175700
Control Site	<i>Location to be defined in consultation with HBRC</i>	

Advice Note:

The location of the monitoring sites, frequency of monitoring and analytes monitored may only be modified as appropriate with the written agreement of the Council based on any future landuse or property ownership changes which may occur through the life of the consent.

49-50. The consent holder shall undertake monitoring of fluoride of unharvested forage as set out in condition 4950 (a) and (b) below. The results of sampling in condition 4850 (a) and (b) shall be reviewed by a suitably qualified expert and compared to the relevant thresholds set out in the Table below taken from the Australia and New Zealand Environment Council (1990): National Goals for Fluoride in Ambient Air and Forage (ANZEC Guideline).



Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

- a) Monthly monitoring of fluoride of unharvested forage for a 12 month period following the commencement of these consents at one site each in the North-western and South-western corners of the irrigation area shown on Plan B attached to this consent.
- i. The results of the sampling in accordance with [condition 4950](#) (a) shall be compared to the results of the samples taken in accordance with condition 17 of the discharge to land consent. If there is no significant difference between the two sample sets then no further monitoring of unharvested forage in accordance with [condition 4950](#) (a) shall be required.
 - ii. If there is a significant difference between the two sample sets set out in [condition 4950](#) (a)(i) and the 12-month average guideline set out in the Table below is exceeded, monthly fluoride monitoring of two sites of grazed pasture within 1 km of the manufacturing stack discharge shall be undertaken for a further 12 months.
- b) Monitoring of fluoride of unharvested forage in May and July for five years following the commencement of these consents at two sites within the irrigation area shown on Plan B attached to this consent.
- i. If the two-month average guideline set out in the Table below is exceeded in either the May or July sample each year, fluoride monitoring of two sites of grazed pasture within 1 km of the manufacturing stack discharge as agreed with the landowner(s), will be undertaken on two occasions at monthly intervals commencing within 10 working days following the receipt of the sample result(s).

Australia and New Zealand Environment Council (1990): National Goals for Fluoride in Ambient Air and Forage (ANZEC Guideline).	
ANZEC Threshold (12-month average guideline)	ANZEC Threshold (two-month average guideline)
40 micro grams of F per gram of dry tissue (or equivalent).	60 micrograms of F per gram of dry tissue (or equivalent).

[50-51.](#) The results of the monitoring set out in [condition 4950](#) (a) and (b) above shall be assessed by a suitably qualified expert who shall prepare a report identifying reasonable land management practices that the consent holder shall ensure are implemented to remedy and or mitigate risk to livestock through ingesting fluoride above the ANZEC thresholds. A copy of this report along with any land management or other actions agreed between the consent holder and any affected neighbour shall be provided to the Council (Manager Compliance) within six months of the completion of monitoring set out in [condition 4950](#) (a)(ii) and (b)(i) above.

Reporting

[51-52.](#) The consent holder shall advise the Council at least 24 hours in advance of a planned warm or cold restart of the acid plant. The Council shall be advised of the proposed time when sulphur will be ignited.

[52-53.](#) At monthly intervals the consent holder shall provide the Council with a report if any exceedance of limits of any conditions of this consent has occurred along with an explanation of the reasons for the exceedance.

[53-54.](#) The consent holder shall produce a report every year (the “Annual Report”) that presents and summarises all information on the monitoring required by this consent. The report shall include, but not necessarily be limited to:

- a) Results of monitoring of dust, PM_{2.5}, PM₁₀, SO₂, fluoride and acidic compounds;
- b) The fluoride and foliar monitoring report;

Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

- c) Any odour or dust complaints;
- d) A description of any potential and actual effects that have been identified;
- e) Identification of trends of monitoring information;
- f) A summary of any air emission control equipment modifications;
- g) Recommendations for system improvements; and
- h) The annual report shall be prepared for the period beginning July and ending June of the following year and provided to the Council before 31 October each year.

54-55. The consent holder shall maintain a log of all complaints received directly from the public. The log shall include:

- a) The date, time, and nature of the complaint;
- b) The telephone number, and address of the complainant (if provided);
- c) Weather information (including an estimate of wind speed and direction);
- d) Details of key operating parameters at the time of the complaint; and
- e) The remedial action taken, as appropriate, to prevent further incidents.

Complaints and any immediate actions taken by the consent holder shall be reported to the Council as soon as practicable and within 48 hours of receipt and the log of complaints shall be made available to the Council on request.

Management and Monitoring Plan

55-56. The consent holder shall prepare and submit to the Council for approval within six months of the date of commencement of this consent and within six months from the commissioning of the combined Manufacturing stack, an Air Discharge Management and Monitoring Plan with the Objective of detailing how all discharges to air from the site and their effects will be measured, assessed and managed in accordance with these conditions. The Management and Monitoring Plan shall be complied with at all times during the exercise of this consent, and shall include:

- a) Management of:
 - i. Dust including particulate;
 - ii. Sulphur dioxide;
 - iii. Acidic discharges;
 - iv. Fluoride;
 - v. Odour;
- b) Sampling methods;
- c) Analytical methods;
- d) Reporting requirements;
- e) Sampling locations;
- f) Sampling frequencies; ~~and~~

g) Staff education and training in relation to the activities authorised by this consent;

~~g)h)~~ Auditing and peer review; ~~and~~

~~h)j)~~ Monitoring of:

- i. Manufacturing stack monitoring requirements;

Commented [AA2]: 16 Nov 2022 - Note change to numbering within this condition.

Commented [AA3]: 16 Nov 2022 - Added as suggested in Section 15.1, item 2 of the HBRC s42A report.



- ii. Acid plant stack monitoring requirements;
- iii. Grinding mill stack monitoring requirements;
- iv. Ambient SO₂, and particulate matter monitoring;
- v. Offsite ambient fluoride monitoring requirements, and
- vi. Offsite vegetation fluoride monitoring requirements.
- vii. Dust deposition monitoring requirements along the Waitangi Waterway, Waitangi Road.

Technology Review

56-57. At years 10, 20 and 30 following the commencement of this consent, the consent holder shall commission a suitably qualified and experienced expert to prepare a Best Practicable Option technology review (covering the matters described in Part 2 under the definition of Best Practicable Option of the RMA) of the plant and systems that are utilised on the site for managing air discharges. The BPO Technology Review Report shall contain information on the suitability and practicability of any new best practice technology or operational procedure being applied at similar plants internationally, and must make recommendations as to whether and when any such technology or procedures should be applied as a continual improvement measure to the consent holders operations. A copy of the BPO Technology Review Report shall be provided to the Council (Manager Compliance).

Administration

Notification of Changes to Details

57-58. It is the responsibility of the consent holder to inform the Council (Manager Consents) if any details regarding this consent, including any sale / purchase of the property and any change to contact details.

Routine Monitoring

58-59. Routine monitoring inspections will be undertaken by Council officers at a frequency of no more than once every year to check compliance with the conditions of the consent. The costs of any routine monitoring will be charged to the consent holder in accordance with the Council's Annual Plan of the time.

Non-routine Monitoring

59-60. "Non routine" monitoring will be undertaken if there is cause to consider (e.g. following a complaint from the public, or routine monitoring) that the consent holder is in breach of the conditions of this consent. The cost of non-routine monitoring will be charged to the consent holder in the event that non-compliance with conditions is determined, or if the consent holder is deemed not to be fulfilling the obligations specified in section 17(1) of the RMA, which states:

Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with

- a) any of sections 10, 10A, 10B, and 20A; or
- b) a national environmental standard, a rule, a resource consent, or a designation.

Consent Impact Monitoring

60-61. In accordance with section 36 of the RMA (which includes the requirement to consult with the consent holder) the Council will levy additional charges for the cost of monitoring the environmental effects of this consent, either in isolation or in combination with other nearby consents. Any such charge would generally be set through the Council's Annual Plan process.

Debt Recovery

64-62. It is agreed by the consent holder that it is a term of the granting of this resource consent that all costs incurred by the Council for, and incidental to, the collection of any debt relating to this resource consent, whether as an individual or as a member of a group, and charged under section 36 of the RMA, shall be borne by the consent holder as a debt due to the Council, and for that purpose the Council reserves the right to produce this document in support of any claim for recovery.

Review

62-63. The conditions of this consent may be reviewed by Council during the month of May of any year pursuant to sections 128, 129, 130, 131 and 132 of the RMA. The actual and reasonable costs of any review undertaken will be charged to the consent holder, in accordance with section 36 of the RMA. The consent(s) may be reviewed for any of the following purposes:

- a) To deal with any adverse effect on the environment, including those associated with climate change, which may arise from the exercise of the consent, which it is appropriate to deal with at that time or which became evident after the date of issue;
- b) To require that the discharge is consistent with requirements in a regional plan or a National Environmental Standard;
- c) To modify any monitoring programme, or to require additional monitoring if there is evidence that current monitoring requirements are inappropriate, inaccurate or inadequate; and
- d) To require the adoption of the best practicable option to remove or reduce any effects on the environment and to implement recommendations of technology reviews required by condition 56-57 that are not put in place by the consent holder;

HBRC CONSENT – DISCHARGE TO LAND

Activity Description To discharge treated stormwater and process water and associated contaminants from a sulphuric acid and fertiliser manufacturing plant at Awatoto to land in circumstances where contaminants will be absorbed by crops and soils and/or may enter shallow groundwater.

Consent Duration 35 years from the commencement date of this consent.

CONDITIONS

1. The activities authorised by this consent shall be undertaken generally in accordance with the Assessment of Environmental Effects dated 30 November 2021 and associated management plans and other information supplied as part of the application for this resource consent. If a conflict arises between any conditions of this consent and the application, the conditions of this consent will prevail.
2. The discharge to land from the site shall be in accordance with the general conditions attached as Appendix 1 to this consent and within the irrigation area shown on Plan B attached to this consent.

Advice Note:

For the purposes of this consent “discharge” refers to stormwater, process water and groundwater added to the stormwater and process water treatment system for the purpose of sustaining constructed wetland and stormwater and process water treatment system device vegetation and non-commercial crops used in the treatment process.

3. The discharge shall be onto vegetated land. Vegetated land includes land where vegetation is actively growing or senescing and cultivated for vegetation establishment.
4. The rate of discharge shall not exceed 12 millimetres per hour.
5. The discharge to land shall not cause surface ponding or overland flow from the site.
6. No animals shall be grazed in the irrigation area.

Monitoring

Soil Moisture Monitoring

7. Soil moisture within the discharge area shall be continuously monitored using soil moisture probes. The discharge system shall be configured so that there is no discharge onto land when soil moisture at the soil moisture probes exceed 85 percent of soil capacity (refer Plan B A)
8. Soil moisture monitoring results shall be recorded for each monitoring point, including results of annual calibration of soil moisture monitoring equipment. The results shall be provided to the Council on request.

Soil Chemistry Monitoring

9. Nine sampling sites are to be established across the 17.5 ha to represent the overall sites' soil chemical and physical properties of the Land Discharge area. Each sampling site is represented by GPS points within Ravensdown's spatial information system (Hawkeye™) to ensure that ongoing monitoring is from the same geospatial locations (refer Plan C).
10. Sampling sites are to be sampled at a 15cm depth and represented by 15 to 20 cores from each site.
 - a) Sampling sites are to be resampled on an annual basis for the first five years to establish baseline data. From then on they are to be sampled on a biannual basis during late

Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

winter/early spring to monitor trends over time (or as required). Results are to be stored within Hawkeye.

11. The soil analysis will consist of:
- a) Soil pH, Olsen P, K, Mg, Ca, Na, Sulphate S and Organic Sulphur,
 - b) Potentially Mineralisable Nitrogen (PMN)
 - c) EDTA (Co, Mn, Fe, Cu, Zn)
 - d) EPA Heavy Metal Suite (As, Cd, Cr, Cu, Pb, Hg, Ni, Zn)
 - e) Total soil F.

Groundwater Quality Monitoring

12. Groundwater quality monitoring shall be undertaken twice annually for the first year, and annually thereafter, at three shallow groundwater monitoring bores not more than six metres deep. One groundwater monitoring bore shall be located at the mid-point of the western boundary of the irrigation area (upgradient), and one bore each shall be located on the northern and southern ends of the eastern boundary of the irrigation area (down-gradient) (refer Plan B). A suitably qualified professional shall be onsite during the drilling of the monitor bores to ensure hydraulic gradient is as predicted by bore placement as displayed in Plan B. GPS coordinates of the final bore locations will be provided to the Council.
13. All groundwater quality monitoring undertaken in accordance with the conditions of this consent shall be carried out by a person suitably qualified and experienced in environmental monitoring. Any meters used for the monitoring shall be calibrated and operated in accordance with the manufacturer's specifications.
14. Groundwater samples collected in accordance with this consent shall be analysed for fluoride. All analyses in accordance with conditions of this consent shall be carried out by a laboratory that is IANZ accredited, or that is authorised by the Council (Manager Compliance).
15. In the event that the results of groundwater monitoring indicate a significant increase in fluoride in the downgradient bore in comparison to the upgradient bore the consent holder shall:
- a) Commission a suitably qualified and experienced person to assess the risk to the environment from the exceedance, including consideration of the ecological effects and effects on groundwater quality for drinking water purposes;
 - b) If the assessment undertaken in accordance with condition 15.a) identifies a risk to the environment as a result of the exceedance, potential options for reducing the concentration of fluoride in the groundwater shall be assessed;
 - c) Provide a report to the Council summarising the results of the risk assessment (condition 15.a) and options assessment (condition 15.b)) within one year of the identification of the exceedance. This shall include an assessment of the actions to be undertaken to reduce the risk to the environment if one has been identified, including timeframes for undertaking these actions; and
 - d) Implement the improvement actions, within the timeframes specified.

Advice Note:

A significant increase in fluoride is defined as 1085 mg F/kg soil

Foliage Monitoring

16. The crop shall be sampled for dry matter and metabolisable energy according to the code of practice for the trading of pasture and whole crop forages. These samples should also be analysed for macronutrients to confirm the estimate of nutrients removed in the plan



Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

17. The unwashed samples from each forage cut intended for livestock consumption shall be tested for fluoride levels in accordance with ANZEC guidelines.

Advice Note:

ANZEC guidelines are to manage the potential effect of aerosols containing fluoride being deposited on vegetation not from the discharge activity itself.

Appendix 1

Refer to the General Conditions relating to both the Land and Water Discharge Permits, following the Water Discharge Permit Consent.

HBRC CONSENT – DISCHARGE TO SURFACE WATER AND GROUNDWATER

Activity Description To discharge treated stormwater and process water and associated contaminants from a sulphuric acid and fertiliser manufacturing plant at Awatoto onto or into land and into water (Waitangi Estuary) in the Coastal Margin.

Consent Duration 35 years from the commencement date of this consent.

CONDITIONS

1. The activities authorised by this consent shall be undertaken generally in accordance with the Assessment of Environmental Effects dated 30 November 2021 and associated management plans and other information supplied as part of the application for this resource consent. If a conflict arises between any conditions of this consent and the application, the conditions of this consent will prevail.
2. The discharge into surface water from the site shall be in accordance with the general conditions attached as Appendix 1 to this consent, and to either the Ravensdown Drain or to the Habitat Abundance Restoration Programme (HARP) wetland area at GPS Co-ordinates NZTM 2000 5613817 1937000.

Advice Note:

For the purposes of this consent “discharge” refers to stormwater, process water and groundwater added to the stormwater and process water treatment system for the purpose of sustaining constructed wetland and stormwater and process water treatment system device vegetation and non-commercial crops used in the treatment process.

3. The rate of discharge shall not exceed 265 litres per second.
4. The consent holder shall ensure that all works and structures relating to this resource consent shall be designed and constructed to conform to the best engineering practices and at all times maintained to a safe and serviceable standard ~~the activities authorised by this resource consent are designed, constructed and maintained~~ so that they do not cause erosion or scour of the beds or banks of any receiving water bodies (including drains).

Commented [AA4]: 16 Nov 2022 - Addition to incorporate standard HBRC condition as requested by M Miller

APPENDIX 1

GENERAL CONDITIONS RELATING TO BOTH LAND AND WATER DISCHARGE PERMITS

Preamble

The purpose of these consents is to enable the ongoing operation of the Ravensdown Napier Works. The effects of the authorised activities have been considered in the context of the current and likely future state of the receiving environments, including other activities and how they contribute to those environments. The intent is that the undertaking of activities by the consent holder in accordance with the conditions of these consents will positively contribute to Te Mana o te Wai.

Commented [AA5]: 16 Nov 2022 - Added as suggested in Section 15.1, item 3 of the HBRC s42A report.

Water Discharge Hierarchy

1. The discharge shall be managed as follows:
 - a) Discharge shall be to land via spray irrigation whenever this meets the soil moisture content condition in the land discharge permit of less than 85 percent;
 - b) During times when discharge to land is not permitted (due to soil moisture exceeding 85 percent) under the land discharge permit conditions, discharge shall be to the Ravensdown Drain or Habitat Abundance Restoration Area (HARP) (refer Plan D) only between three hours before and three hours after high tide as at the Port of Napier tide gauge ("high tide discharge"); and
 - c) Outside of the discharge times in condition 1.b, discharge to the Ravensdown Drain or Habitat Abundance Restoration Area (HARP) at any time on site storage capacity is likely to be exceeded.

Commented [AA6]: 16 Nov 2022 - Added as suggested in Section 15.1, item 1 of the HBRC s42A report.

Advice Note:

For the avoidance of doubt the intent of the water discharge hierarchy is to maximise the discharge of treated water to land and therefore minimise the discharge of treated water to the Ravensdown Drain or Habitat Abundance Restoration Area.

Adaptive Management Plan Process

2. The discharge shall be undertaken in accordance with the *Ravensdown Napier Works: Water Discharge Adaptive Management Plan, October 2022* and any subsequent revisions.
3. Until the Stage 1 stormwater and process water treatment system improvements are implemented, the discharge shall be via the stormwater and process water system that existed at the site on 30 November 2021;
4. If required to ensure the discharge meets the water quality discharge parameters set out in Table 1 of general condition 20, further stormwater and process water treatment system improvements and/or source control actions shall be implemented in accordance with the recommendations and timeframes recommended by the Comprehensive Review and the Adaptive Management Plan required by general condition 25 (k).

Design Requirements

5. Following completion of the Stage 2 stormwater and process water treatment system improvements the site water treatment system shall have capacity to treat the first 75 millimetres of rainfall falling on the site.
6. All stormwater and process water treatment systems installed at the site in accordance with this consent shall be designed by a suitably qualified professional engineer, experienced in that field, to assist in meeting all standards and design requirements of this consent, and as set out in the application (as specified in the documents referenced in condition 1 of this consent).

Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

7. Final Design Plans of the stormwater and process water treatment system for each stage of stormwater and process water treatment system improvements shall be provided to the Council (Manager: Compliance) for certification that they are consistent with the conditions of this consent prior to construction commencing. If 20 working days have passed and no correspondence has been received from the Council regarding the adequacy of the water treatment system design it shall be deemed certified and construction may commence.
8. The final design plans shall demonstrate the following:
 - a) The storage volume, levels and dimensions of the stormwater and process water treatment and attenuation devices sufficient to demonstrate that the stormwater and process water treatment devices have been designed in accordance with good practice guidance;
 - b) The system has been designed incorporate state of the art control and alarm systems linked to the onsite SCADA system to ensure that any faults are immediately reported to the operations team onsite and can be remedied in as short a time as possible.
 - c) That following the completion of the Stage 2 stormwater and process water treatment system improvements the discharge will meet the requirements of Table 1 of general condition 20.
9. The stormwater and process water treatment system shall be constructed in accordance with the design plans certified in accordance with general condition 7.

Engineering Plans – Post Construction

10. Following the completion of construction of each stage of the stormwater and process water treatment system improvements, the consent holder shall provide Council with accurate as-built plans of the stormwater and process water treatment system, prepared by a suitably qualified and experienced professional engineer, confirming that the stormwater and process water treatment infrastructure has been installed in accordance with the certified final design plans.

Maintenance

11. The consent holder shall maintain the stormwater and process water system in accordance with good practice to maintain the water quality and water quantity performance required by this consent.
12. The consent holder shall record the details of all inspections and works undertaken under general condition 10. Those records shall be made available for inspection by the Council (Manager: Compliance) on request.

Source Control Management

13. The consent holder shall undertake the actions described in the *Ravensdown Napier Works Source Control Management Plan October 2022* or subsequent revisions, to reduce the concentrations and load of contaminants entering stormwater at the site within five years of the commencement of the consent.

Habitat Abundance Restoration Project

14. The consent holder shall undertake the habitat restoration works as set out within the *Ravensdown Napier Works, Habitat Abundance Restoration Project Plan October 2022*.
15. Prior to the commencement of construction, the consent holder will engage suitably qualified experts to prepare:
 - a) A Restoration Plan that will meet the requirements of the Schedule 2 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020; and

Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

- b) The detailed design of the HARP wetland area and the associated habitat to meet general condition 14 and in particular to ensure the design requirements of the Habitat Abundance Restoration Project are always met.
- 16. The Restoration Plan and the HARP Detailed Design Report shall be provided to the Council (Manager Compliance) for certification that general condition 15 has been met.
- 17. To ensure that the HARP wetland is managed so as to avoid algal bloom events and unionised ammonia toxicity, the consent holder shall undertake total ammonia, temperature and pH measurements on a weekly basis between 1 November and 30 April of each year.
- 18. Nutrient and toxic contaminant loads from the Ravensdown discharge, and bore flows to the HARP wetland shall be managed to avoid adverse effects associated with toxicity and significant adverse effects associated with nutrient enrichment.
- 19. In the event that adverse effects outlined in Condition 18 occur, the consent holder shall:
 - a) Immediately engage a suitably qualified water quality expert to advise on any immediate remediation that may alleviate the effects
 - b) Within three months of the event, and in consultation with the Council ecology team and the Awapuni Reference Komiti, develop a plan for remediating the adverse effects.
 - c) Submit the remediation plan for certification by the Council (Manager Compliance) that the Remediation Plan will be effective.
 - d) Implement the Remediation Plan action and time frames recommended in the plan.

Water Quality Discharge Parameters to Water and Land

- 20. The consent holder shall ensure that:
 - a) From the time of commencement of this consent the discharge (at the point of discharge GPS Co-ordinates NZTM 2000 1936998 east, 5613831 north) shall comply with the 2007 discharge permit parameters in Table 1 in any 12-month period.
 - b) Discharges to land or water (at the point of discharge GPS Co-ordinates NZTM 2000 1936998 east, 5613831 north) shall comply with the relevant parameters in Table 1 (Discharge Parameters – Any Tide Discharge (post Stage 2) and Discharge Parameters – High Tide Discharge (post Stage 2)) for 95 percent of monitoring results in any 12-month period after the completion and monitoring of Stage 2 (six years following the commencement of this consent) as set out in the *Ravensdown Napier Works: Water Discharge Adaptive Management Plan, October 2022*.

Table 1 – Discharge water quality analytes and parameters

Contaminant	2007 Discharge Permit Parameters (milligrams per litre)	Discharge Parameters – Any Tide Discharge (post Stage 2) and Land (milligrams per litre)	Discharge Parameters – High Tide Discharge (post Stage 2) (milligrams per litre)	Source For Parameter Value
Total Phosphorus	Less than 17 mg/L 95% of the time and less than 22 mg/L 99% of the time	N/A	N/A	N/A
Soluble reactive phosphorus	Less than 15 mg/L 95% of the time and less than 35 mg/L 99% of the time	0.042	0.0735	TANK Plan Change, s42A Addendum report, Table 26.5.2, Waitangi Estuary

Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

Contaminant	2007 Discharge Permit Parameters (milligrams per litre)	Discharge Parameters – Any Tide Discharge (post Stage 2) and Land (milligrams per litre)	Discharge Parameters – High Tide Discharge (post Stage 2) (milligrams per litre)	Source For Parameter Value
Total ammoniacal nitrogen ²	N/A	0.28	0.49	TANK Plan Change, s42A Addendum report, Table 26.5.2, Waitangi Estuary
Nitrate nitrogen	N/A	Improving trend toward 0.14	Improving trend toward 0.245	TANK Plan Change, s42A Addendum report, Table 26.5.2, Waitangi Estuary
Nitrite	N/A	0.546	0.9555	Regional Coastal Environment Plan, Rule 17
Total nitrogen	N/A	Improving trend toward 0.308	Improving trend toward 0.539	TANK Plan Change, s42A Addendum report, Table 26.5.2, Waitangi Estuary
Total suspended solids (TSS)	100	70	122.5	Regional Coastal Environment Plan, Schedule D, Part II Standards that apply to specific catchments
pH	6.5 – 8.5	7.0-8.5	7.0-8.5	TANK Plan Change, s42A Addendum report, Table 26.5.2, Waitangi Estuary
Fluoride	30	14	24.5	Site specific value – Hickey 2004
Aluminium	N/A	0.154	0.2695	TANK Plan Change, s42A Addendum report, Table 26.5.2, Waitangi Estuary / Regional Coastal Environment Plan
Copper	N/A	0.00364	0.00637	TANK Plan Change, s42A Addendum report, Table 26.5.2, Waitangi Estuary / Regional Coastal Environment Plan
Cadmium	N/A	0.0154	0.02695	TANK Plan Change, s42A Addendum report, Table 26.5.2, Waitangi Estuary / Regional Coastal Environment Plan
Chromium	N/A	0.0756	0.1323	TANK Plan Change, s42A Addendum report, Table 26.5.2, Waitangi Estuary / Regional

² Based on unionised ammonia at pH8 and 20 deg C

Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

Contaminant	2007 Discharge Permit Parameters (milligrams per litre)	Discharge Parameters – Any Tide Discharge (post Stage 2) and Land (milligrams per litre)	Discharge Parameters – High Tide Discharge (post Stage 2) (milligrams per litre)	Source For Parameter Value
Nickel	N/A	0.196	0.343	Coastal Environment Plan TANK Plan Change, s42A Addendum report, Table 26.5.2, Waitangi Estuary / Regional Coastal Environment Plan
Zinc	N/A	0.042	0.0735	TANK Plan Change, s42A Addendum report, Table 26.5.2, Waitangi Estuary / Regional Coastal Environment Plan

21. Prior to the establishment of the HARP the zone of reasonable mixing shall be the Ravensdown Drain and 90 metres down the Awatoto Drain (GPS Co-ordinates NZTM 2000 1936918 east, 5613708 north). At the completion of Stage 2 of the Adaptive Management Plan and HARP wetland, the consent holder shall commission a suitably qualified expert to undertake a dye study to confirm the zone of reasonable mixing in the HARP wetland has been achieved as designed to meet general conditions 14 to 19 of this Appendix.

Discharge Monitoring

22. The consent holder shall carry out the following monitoring:

- a) A sampling station shall be maintained at the Discharge Pond outlet and be accessible to Council officers or its agents at all times.

A representative, flow-proportional, composite sample (sampled continuously over a period of one week) shall be collected from the sampling station, referred to in general condition 22a, at least once per week when discharge is occurring and tested for the following parameters:

- i. pH
- ii. Total phosphorus
- iii. Soluble reactive phosphorus
- iv. Fluoride
- v. Total suspended solids
- vi. Total nitrogen
- vii. Nitrate nitrogen
- viii. Nitrite
- ix. Ammoniacal nitrogen

All composite samples collected by automatic sampler shall be immediately cooled to at least 4 degrees Celsius. Bottles used for the analysis of ammoniacal nitrogen, total phosphorus and total nitrogen shall be pre-acidified with 1 mL of 50% H₂SO₄ (to every 1 L discrete bottle).

The pH and temperature shall be continuously recorded at 1-hour intervals whenever the discharge is occurring, recorded at the discharge point.

Results shall be recorded on a mass per unit volume of discharge basis and the volume of discharge shall also be recorded. The records shall be forwarded to the Council at monthly intervals, along with an assessment of compliance against Table 1 of general condition 20.

- b) A representative, flow-proportional, composite sample (sampled continuously over a period of one week) shall be collected from the sampling station, referred to in condition 22a, at six monthly intervals and tested for the following parameters:
- i. Dissolved copper
 - ii. Dissolved zinc
 - iii. Dissolved cadmium
 - iv. Dissolved chromium
 - v. Dissolved aluminium
 - vi. Dissolved nickel
 - vii. Total sulphur

Results shall be taken on a mass per unit volume of discharge basis and the volume of discharge taken shall also be recorded. The records shall be forwarded to the Council at six monthly intervals.

- c) All sampling in accordance with the conditions of this consent shall be carried out by a person suitably qualified and experienced in environmental monitoring.
- d) All analyses in accordance with conditions of this consent shall be carried out by a laboratory that is IANZ accredited, or that is authorised by the Council (Manager: Compliance).
- e) The consent holder shall calibrate and operate any meters required for monitoring in accordance with the manufacturer's specifications.
- f) In the event the values in general condition 20 Table 1 are exceeded the Consent Holder may have the sample re-tested to confirm that the exceedance was not due to a testing error. In these circumstances the exceedance only needs to be reported to the Consent Authority in accordance with general condition 22 if the re-tested sample confirms the exceedance.

Waitangi Waterway Monitoring

23. For a two year period following the commencement of these consents, the consent holder shall undertake monthly water quality monitoring for phosphorus and fluoride (only when water is present in the waterway) at three locations along the Waitangi Waterway adjacent to the Ravensdown site. Details of the monitoring and the locations are to be set out in a monitoring plan to be approved by the Council.
24. Following this two-year period the consent holder shall commission a report by a suitably qualified expert to assess the trends shown by this monitoring and the effectiveness of the SCMP actions. If the results from the two-year period of water quality monitoring show that dust originating from the Ravensdown site is not reaching the Waitangi Waterway then the sampling can be discontinued. If dust is still entering the Waitangi Waterway from the Ravensdown site after this two year period of monitoring then the SCMP shall be reviewed and updated to target identified dust sources for remediation and the Waitangi Waterway water quality and dust monitoring (as required by condition 44 of the air discharge consent) shall continue until such time that the effects of dust from the Ravensdown site are not measured in the Waitangi Waterway. This process of reporting and SCMP review shall be repeated following five years of the commencement of this consent (five years being the timeframe set in the SCMP for the completion of all source control measures identified).

Reporting

25. The consent holder shall prepare an annual report for the period of July to June each year and, by the 30 November following that period, submit it to the Council. The report shall summarise monitoring and compliance against the consent conditions and discuss any non-compliance and recommended necessary actions to achieve compliance. The report shall include, at a minimum:

Compliance Monitoring Reporting

- a) A summary of the volume of the discharge, the location it has been discharged to, and details of any discharge to surface water that was not on a High Tide Discharge.
- b) A summary of the results of groundwater quality monitoring from the irrigation area.
- c) The results of any assessment of effects of the irrigation discharge, if one is undertaken in accordance with condition 12 of the discharge to land permit, and a summary of the progress against any actions identified.
- d) A summary of the results of the discharge sampling undertaken at the site.
- e) An assessment of the discharge monitoring results against the relevant water quality parameters for the site, and a summary of any exceedances of these parameters.
- f) A record of any known non-compliance with conditions of this consent and the actions taken to remedy this non-compliance.
- g) An update on implementation of the Source Control Management Plan action schedule.
- h) A register of complaints relating to the authorised discharge made during the report period, and a record of how complaints were addressed.
- i) A progress summary of the implementation the Cultural Values Reports recommendations (see Schedule 1) and any other relevant matters arising from the Awapuni Reference Komiti.
- j) A summary of actions undertaken as part of the HARP over the previous 12 months.

k) An outline of the staff education and training modules undertaken in relation to the activities authorised by this consent.

Adaptive Management Plan Reporting

l) The reporting shall include the following information on the Adaptive Management process:

- i. A progress summary of the stormwater and process water treatment system improvements that have been implemented at the site over the reporting period confirming adherence with the timetable established in the *Ravensdown Napier Works: Water Discharge Adaptive Management Plan, October r 2022*.
- ii. If following the completion of Stage 2 stormwater and process water treatment system improvements and after an initial three month monitoring period, any water quality parameters set in this Appendix are exceeded, the consent holder shall commission a suitably qualified expert to undertake a Comprehensive Review of the options available to resolve the remaining parameter exceedances. A report prepared to document this Comprehensive Review shall be provided to the Consents Manager HBRC within six months after the completion of the Stage 2 stormwater and process water treatment system improvements, and shall include:
 - i. the options assessed;
 - ii. a best practicable options analysis prepared using methodology in Section 2 of the RMA;
 - iii. the reasons for the water quality improvement selected to resolve the issue;

Commented [AA7]: 16 Nov 2022 - Added as suggested in Section 15.1, item 2 of the HBRC s42A report.

- iv. the proposed timeframes for implementing any water quality improvements selected, and the reasons for this timeframe.
- iii. The consent authority shall consider the Comprehensive Review Report and certify that the recommended additional treatment proposed is fit for purpose to resolve the remaining parameter exceedances in an appropriate timeframe.

Mana Whenua Recognition and Participation

26. Within three months of the commencement of these consents the consent holder shall seek nominations to establish an Awapuni Reference Komiti to assist the consent holder to undertake the functions set out in general condition 30.
27. The consent holder will invite mana whenua hapū (Ngāti Pārau, Ngāti Hori, Ngāti Hinemoa, Ngāti Hawea) in consultation with the following organisations to nominate six representatives for the Awapuni Reference Komiti:
- a) Ngāti Pārau Hapū Trust;
 - b) Kohupatiki Marae;
 - c) Te Taiwhenua o Heretaunga;
 - d) Te Taiwhenua o Te Whanganui Ā Orotu.

Advice Note:

For the avoidance of doubt the Awapuni Reference Komiti is not intended to have any representative function for marae and hapū affiliated to these organisations listed above, other than in relation to the exercise of these consents.

28. When calling for nominations from the organisations listed in general condition 27 a) to d) above, the consent holder shall provide a draft Terms of Reference for the Awapuni Reference Komiti that reflects the objectives, functions and responsibilities outlined in general condition 30 below. The consent holder shall forward a draft version of the Terms of Reference to the nominated Awapuni Reference Komiti members for consideration with a request to provide feedback within two calendar months. The Terms of Reference will provide for the following matters outlined in a) to i) below, as a minimum:
- a) Administration support.
 - b) Proceedings and schedule of meetings.
 - c) The term and succession of Komiti members.
 - d) Appointment of Komiti chair.
 - e) Duties and functions of Komiti members.
 - f) A flexibility mechanism to enable any future iwi and hapū management structures.
 - g) Manaakitanga.
 - h) Provision for mātauranga Māori through mauri monitoring throughout the term of the consent.
 - i) The role of Kaihāpai Taiao, including working with the consent holder and providing counsel to integrate mātauranga Māori in the delivery of the adaptive management process and associated monitoring, alongside other ongoing kaitiakitanga matters throughout the term of the Resource Consents.
29. The consent holder shall convene the first meeting of members nominated for the Awapuni Reference Komiti within three months following the call for nominations with the purpose of ratifying the Terms of Reference. A copy of the final Terms of Reference shall be supplied to the Council (Manager Compliance).
30. The objectives, functions and responsibilities of the Awapuni Reference Komiti shall be to assist the consent holder as follows.

Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

- a) To develop effective measures that recognise and implement the recommendations contained within the Cultural Values reports; *Whataangaanga and Surrounds; Cultural Values, Names and Associations, November 2021 and Ravensdown Napier Resource Consent Renewal Cultural Impact Assessment, Ngāti Parau Hāpu, November 2021* (see Schedule 1).
 - b) To champion the wider opportunity for habitat abundance enhancement including potential for further habitat enhancement projects in addition to the HARP through liaison with businesses within the wider Waitangi Estuary catchment, including HBRC as the asset owner of the Mission Pump Station.
 - c) To liaise with the Ravensdown Innovation and Strategy team on their work associated with climate change research relating to the company vision of “*Smarter Farming for a Better New Zealand*” set out in the “*Ravensdown Integrated Report 2022*”.
 - d) To facilitate information flow between the consent holder and mana whenua hapū regarding the activities associated with these consents at a Komiti meeting to be held October each year. The mechanisms for this information flow will be
 - i. To receive a presentation on the content of the annual reports (prepared in draft form) set out in general condition 25 prior to their finalisation and submission to the Council by 30 November each year; and
 - ii. To identify any issues of concern that may arise during the activities associated with these consents in order to discuss and recommend any appropriate additional measures outside of the consent conditions which may need to be considered by the consent holder to address any issues raised in relation to impacts on mauri.
 - e) To assist the consent holder in recruiting a suitably qualified and experienced Kaihāpai Taiiao to work as part of the consents holders team exercising the consents, including to support the reporting to the Awapuni Reference Komiti and implementing the works associated with the Adaptive Management Plan Process (general condition 2), Habitat Abundance Restoration Project (general condition 14) and Whataangaanga Cultural Heritage Project (general condition 31).
31. Within three months of the commencement of these consents the consent holder shall commission the preparation of a “Whataangaanga Cultural Heritage Project Plan” by a suitably qualified and experienced expert, engaged with the assistance of the Awapuni Reference Komiti, as a means of delivering Recommendation 1.3 of the report “Whanaungatanga and Surrounds; Cultural Values, Names and Associations, November 2021” (see Schedule 1 of these general conditions). The consent holder shall finalise the Whataangaanga Cultural Heritage Project Plan within two years of the commencement of these consents and will provide a copy to the Council (Manager Compliance).

Site Decommissioning Plan

32. If the consent holder discontinues the use of the plant for a period more than three years within the consent term it shall prepare a Site Decommissioning Plan taking into account whether the site is being mothballed for future use or closed and decommissioned. In either circumstance the Site Decommissioning Plan shall be prepared as a draft by suitably qualified experts, and shall include the following matters:
- a) The safety of all structures during any decommissioning
 - b) Remediation of any qualifying contaminated land after the completion of a Detailed Site Investigation prepared under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS) and the Health and Safety at Work (Asbestos) Regulations 2016.

Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

- c) An outline of all resource consents required for the decommissioning proposed including an Assessment of Environmental Effects prepared under the schedule 4 of the RMA.

Technology Review

33. At years 10, 20 and 30 following the commencement of this consent, the consent holder shall commission a suitably qualified and experienced expert to prepare a Best Practicable Option technology review (covering the matters described in Part 2 under the definition of Best Practicable Option of the RMA) of the plant and systems that are utilised on the site for managing storm water and process water discharges. The BPO Technology Review Report shall contain information on the suitability and practicability of any new best practice technology or operational procedure being applied at similar plants internationally, and must make recommendations as to whether and when any such technology or procedures should be applied as a continual improvement measure to the consent holders operations. A copy of the BPO Technology Review Report shall be provided to the Council (Manager Compliance).

Review

34. The conditions of this consent may be reviewed by Council during the month of May of any year pursuant to sections 128, 129, 130, 131 and 132 of the RMA. The actual and reasonable costs of any review undertaken will be charged to the consent holder, in accordance with section 36 of the RMA. The consent(s) may be reviewed for any of the following purposes:
- a) To deal with any adverse effect on the environment, including those associated with climate change which may arise from the exercise of the consent, which it is appropriate to deal with at that time or which became evident after the date of issue;
 - b) To require that the discharge is consistent with requirements in a regional plan or a National Environmental Standard;
 - c) To modify any monitoring programme, or to require additional monitoring if there is evidence that current monitoring requirements are inappropriate, inaccurate or inadequate;
 - d) To require the adoption of the best practicable option to remove or reduce any effects on the environment and to implement recommendations of technology reviews required by condition 33 that are not put in place by the consent holder;
 - e) In the event that the Stage 1 and 2 treatment works set out in the *Ravensdown Napier Works: Water Discharge Adaptive Management Plan, October 2022* do not result in compliance with all of the water discharge conditions set out in this Appendix following the monitoring check undertaken in Year 6 of the adaptive management period or after the Comprehensive Review process set out in general condition 25 (k) above.

Administration

Notification of Changes to Details

35. It is the responsibility of the consent holder to inform the Council (Manager Consents) if any details regarding this consent, including any sale / purchase of the property and any change to contact details.

Routine Monitoring

36. Routine monitoring inspections will be undertaken by Council officers at a frequency of no more than once every year to check compliance with the conditions of the consent. The costs of any routine monitoring will be charged to the consent holder in accordance with the Council's Annual Plan of the time.

Non-routine Monitoring

Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

37. "Non routine" monitoring will be undertaken if there is cause to consider (e.g., following a complaint from the public, or routine monitoring) that the consent holder is in breach of the conditions of this consent. The cost of non-routine monitoring will be charged to the consent holder in the event that non-compliance with conditions is determined, or if the consent holder is deemed not to be fulfilling the obligations specified in section 17(1) of the RMA, which states:

Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with

a) any of sections 10, 10A, 10B, and 20A; or

b) a national environmental standard, a rule, a resource consent, or a designation.

Consent Impact Monitoring

38. In accordance with section 36 of the RMA (which includes the requirement to consult with the consent holder) the Council will levy additional charges for the cost of monitoring the environmental effects of this consent, either in isolation or in combination with other nearby consents. Any such charge would generally be set through the Council's Annual Plan process.

Debt Recovery

39. It is agreed by the consent holder that it is a term of the granting of this resource consent that all costs incurred by the Council for, and incidental to, the collection of any debt relating to this resource consent, whether as an individual or as a member of a group, and charged under section 36 of the RMA, shall be borne by the consent holder as a debt due to the Council, and for that purpose the Council reserves the right to produce this document in support of any claim for recovery.

Schedule 1: Recommendations - Cultural Values Reports

Whataangaanga and Surrounds; Cultural Values, Names and Associations, November 2021

1. That Ravensdown invest in Rangatiratanga - Leadership through a long-term relationship with mana whenua to achieve all cultural outcomes over the long term³. This relationship includes:
 - 1.1 The proposed habitat abundance restoration project as stage one:- is just stage one of a bigger project; and
 - 1.2 That the partnership brings in other industry operating at Whataangaanga for ongoing enhancement staged projects: Mana, Mauri Tu; Taiao.
 - 1.3 A second concurrent project runs in conjunction with the restoration project; Names and associations is project two that researches the names and associations used through time, for the area of the estuary, and interprets the findings consistent with the cultural outcomes of Whakapapa; Ahi kaa; Mahi Toi; Tohu.and
2. That Ravensdown, in acknowledgement of the waka culture of the early inhabitants of the area; and of the positive social impact associated with waka today, invests in restoring the culture of waka on the rivers. Manaakitanga - fostering potential.
and
3. That Ravensdown, in partnership with Mana whenua; establish a Whakatipu Kaitiaki policy to provide scholarships and internships specifically targeting rangatahi Māori, actively investing in mana whenua capacity and capability to engage with the environmental and other issues related to the Ravensdown operations.

Ravensdown Napier Resource Consent Renewal Cultural Impact Assessment, Ngāti Pārau Hapū, November 2021

1. Ngāti Pārau hapū supports the proposed site for disposal of stormwater and process water through irrigation across 17.5 ha of farmland.
2. Ngāti Pārau hapū are committed to working with Ravensdown to ensure a healthy estuarine environment for the Waitangi Estuary and wetlands area. Ngāti Pārau insists that they be kept appraised of, and included in the Habitat Abundance Restoration and ongoing monitoring.
3. That Ravensdown invest in future Mana Whenua Kaitiaki (environmentalists), through an on-going and active partnership with Mana Whenua to achieve the environmental and cultural aspirations of Mana Whenua, Ravensdown and that of the community.

³ Long-term in this context begins with the duration of the resource consent i.e. 35 years

HBRC CONSENT - WATERTAKE

- Activity Description** To take water from well numbers 15986 and 15989 (150 mm diameters) for the following industrial uses and environmental purposes:
- The manufacture of sulphuric acid and fertilisers;
 - The treatment of stormwater and process water including sustaining constructed treatment wetlands and the maintenance of crop cover on the discharge to land area (shown on Plan B); and
 - Sustain an artificial wetland within the Waitangi Regional Park.

Consent Duration 35 years from the date of commencement of this consent.

CONDITIONS

1. The activities authorised by this consent shall be undertaken generally in accordance with the Assessment of Environmental Effects dated 30 November 2021 and associated management plans and other information supplied as part of the application for this resource consent. If a conflict arises between any conditions of this consent and the application, the conditions of this consent will prevail.
2. The combined rate of taking from all wells shall not exceed 80 litres per second.
3. The combined volume taken, shall not exceed the following:
 - a) 13,477 cubic metres in any 7 day period; and,
 - b) 666,455 cubic metres within the 12 month period, 1 July to 30 June in consecutive calendar years;

The maximum 7-day and 12 month period volumes for each of the uses is set out in the table below:

Site Water Use	Proposed Volume	
	Weekly (m ³)	Annual (m ³)
Site base load ¹	2,820	
Manufacture of sulphuric acid and fertilisers	7,945	
Sustaining treatment wetland	175	
Maintaining crop cover on irrigation area	1,900	
Subtotal for Operations	12,840	633,240²
Sustaining HARP wetland	637 ³	33,215
Total	13,477	666,455

¹ Site Base Load is domestic usage and site wash water.
² Assuming 48 weeks per year of manufacturing.
³ Using an evapotranspiration rate of 0.7 L/s/Ha and a water surface area of 1.5Ha

4. Water meter(s) shall be installed to monitor the volumes associated with each use outlined in the Table in condition 3 above, prior to the exercise of this consent, and shall be operated and maintained to measure the volume of water taken to an accuracy of +/- 5%.

Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

5. The device(s) required by condition 4 shall be installed and maintained in accordance with the Council's "Technical Specifications and Installation Requirements for Flow Meters" (February 2010) (see Advice Note I).
6. Water take and use data supplied to the Council in accordance with the conditions of this consent shall be collected by a water measuring device or system that has been verified by a suitably qualified person to be accurate to within +/-5% at that point of take within the following time periods:
 - a) For existing devices or systems: within the previous 5 water years (water year is 1 July – 30 June); or,
 - b) For new devices or systems: before the end of the first water year (ending 30 June) for that water permit.
7. All water measuring devices or systems shall be re-verified by a suitably qualified person as accurate to within +/-5% within a maximum of 5 years from the date of the previous verification.
8. From commencement of this consent, the consent holder shall read the water meter at 7-day intervals and shall provide the Council with a record of the following
 - a) the meter reading (in cubic metres); and,
 - b) the date and time of each reading; and,
 - c) the point of take that the record relates to; and,These records shall be provided to the Council no later than 7 days after the end of each calendar month (see Advice Note II).
9. The consent holder shall, upon request by the Council (Manager Compliance), supply details of the use of water occurring under this consent, including (but not limited to) a full description of all processes that the water is used in, a description of the products that are produced on the site, and confirmation that condition 15 is complied with.
10. All works and structures relating to this resource consent shall be designed and constructed to conform to best engineering practices and at all times maintained to a safe and serviceable standard.
11. The consent holder shall undertake all operations in accordance with any drawings, specifications, statements of intent and other information supplied as part of the application for this resource consent. In the event that there is conflict between the information supplied with the application and any consent condition(s), the condition(s) shall prevail.
12. The consent holder shall ensure that a backflow prevention device is installed and maintained to prevent contaminants from entering the aquifer through the bores. The consent holder shall provide the details and specifications of the back flow prevention devices/systems to Council (Manager Compliance) prior to the exercising of this consent. The device shall be installed, maintained and tested in accordance with the manufacturer's specifications. Records of testing and maintenance shall be kept and provided to the Council (Manager Compliance) upon request.
13. If an event occurs on-site that may lead to contaminants entering groundwater, the Consent Holder shall notify the Napier City Council and the Council (Manager Compliance) of the event as soon as reasonably practicable after the event occurs.

Advice Note:

Such an event might include for example chemical spillage or backflow/loss of chemicals to the well. Napier City Council can be contacted on 835 7579. The Regional Council 24 hour Pollution Hotline should also be contacted on 0800 108 838.

14. To minimise the risk of contaminants entering groundwater, the consent holder shall:

Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

- a) Ensure that well headworks are constructed and maintained to prevent any leakage and/or movement of water or contaminants between the ground surface and groundwater, and shall ensure that there are no openings through which contaminants might enter the well. This shall include (but not be limited to) ensuring that there are no gaps around any pipework and/or cables at the wellhead.
- b) Ensure that the well is maintained and serviced by a suitably qualified and experienced person at a frequency suitable for ensuring that condition 14(a) is met, and provide records of this maintenance and servicing to the Council (Manager Compliance) upon request.
- c) In the absence of sufficient records to demonstrate to the satisfaction of the Council (Manager Compliance) that condition 14(a) is met, the consent holder, upon request by the Council (Manager Compliance), shall engage at their cost a suitably qualified and experienced person to inspect and certify that the wells(s) meet the requirements of condition 14(a). The certification shall be provided to the Council (Manager Compliance) within 7 days of its receipt.

Advice note:

For the purposes of this condition, an acceptable "suitably qualified and experienced person" is a professional well driller or well engineer (or equivalent), with demonstrable experience in the field of wellhead security, design, construction and maintenance.

15. Water may not be used under this consent for commercial 'water bottling', where water bottling is defined as the: "taking and using water for bottling in bottles, bladders or other containers for human consumption where bore water makes up at least 90% of the content of the container".
16. The Council may review conditions of this consent pursuant to sections 128, 129, 130, 131 and 132 of the RMA. The actual and reasonable costs of any review undertaken will be charged to the consent holder, in accordance with section 36 of the RMA. The consent(s) may be reviewed for any of the following purposes:
 - a) To deal with any adverse effect on the environment which may arise from the exercise of this consent, which it is appropriate to deal with at that time or which became evident after the date of issue;
 - b) To require that the installation and reading of the water-measuring device or water meter data reporting system is consistent with any policies or rules in a regional plan, a National Environmental Standard;
 - c) To modify any monitoring programme, or to require additional monitoring if there is evidence that current monitoring requirements are inappropriate, inaccurate or inadequate;
 - d) To ensure that the rate and volume of water authorised by the consent is consistent with actual water needs for an efficient take for the consented purpose and is physically able to be taken;
 - e) To require, if necessary, the installation of a backflow prevention device to ensure that no contaminant can enter the aquifer through the bore;
 - f) To modify and/or add conditions of consent in order to ensure that it is consistent with the operative provisions of a regional plan. This shall include (but not be limited to) conditions specifying any maximum or minimum levels, minimum flows and associated implementation timeframes, and/or abstraction rates or volumes (including allocation limits).

Advice Notes

Water Meter Technical Specifications

- I. The following documents are available from the Council's website "Technical Specifications and Installation Requirements for Flow Meters" (February 2010)

Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

(www.hbrc.govt.nz/services/water/water-metering/meters/) and “HBRCs Requirements for the use of Portable pumps used to report water use” (February 2013) (www.hbrc.govt.nz/assets/Document-Library/Technical-Publications/Technical-Specifications-and-Installation-Requirements-for-portable-pumps-March-2013.pdf). The Telemetry System Installation Form is provided to telemetry installers by the Council upon request.

Administration

Notification of Changes to Details

- II. It is the responsibility of the consent holder to inform the Council (Manager Consents) if any details regarding this consent, including any sale / purchase of the property and any change to contact details.

Routine Monitoring

- III. Routine monitoring inspections will be undertaken by Council officers at a frequency of no more than once every year to check compliance with the conditions of the consent. The costs of any routine monitoring will be charged to the consent holder in accordance with the Council’s Annual Plan of the time.

Non-routine Monitoring

- IV. “Non routine” monitoring will be undertaken if there is cause to consider (e.g. following a complaint from the public, or routine monitoring) that the consent holder is in breach of the conditions of this consent. The cost of non-routine monitoring will be charged to the consent holder in the event that non-compliance with conditions is determined, or if the consent holder is deemed not to be fulfilling the obligations specified in section 17(1) of the RMA, which states:

Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with

- a) any of sections 10, 10A, 10B, and 20A; or
- b) a national environmental standard, a rule, a resource consent, or a designation.

Consent Impact Monitoring

- V. In accordance with section 36 of the RMA (which includes the requirement to consult with the consent holder) the Council will levy additional charges for the cost of monitoring the environmental effects of this consent, either in isolation or in combination with other nearby consents. Any such charge would generally be set through the Council’s Annual Plan process.

Debt Recovery

- VI. It is agreed by the consent holder that it is a term of the granting of this resource consent that all costs incurred by the Council for, and incidental to, the collection of any debt relating to this resource consent, whether as an individual or as a member of a group, and charged under section 36 of the RMA, shall be borne by the consent holder as a debt due to the Council, and for that purpose the Council reserves the right to produce this document in support of any claim for recovery.

HBRC CONSENT – WATERTAKE – CONSTRUCTION DEWATERING

Activity Description To take groundwater by dewatering associated with the construction of new stormwater and process water treatment facilities.

Consent Duration 10 years from the date of commencement of this consent.

CONDITIONS

1. The activities authorised by this consent shall be undertaken generally in accordance with the Assessment of Environmental Effects dated 30 November 2021 and associated management plans and other information supplied as part of the application for this resource consent. If a conflict arises between any conditions of this consent and the application, the conditions of this consent will prevail.
2. Prior to the take of groundwater for dewatering the consent holder shall prepare a Construction Environmental Management Plan (CEMP) with the objective of ensuring the take of dewatering water shall be managed to minimise environmental effects. The dewatering section of the CEMP shall be prepared by a person who is suitably qualified and experienced in managing groundwater takes.
3. The dewatering section of the CEMP shall:
 - a) Set out how the take of groundwater for dewatering shall be undertaken to minimise environmental effects;
 - b) Set out the measures that will be implemented so that the take of groundwater for dewatering does not cause subsidence or damage to any structures on adjacent properties;
 - c) Set out how the take of groundwater for dewatering shall be undertaken so that it does not reduce the water available in any nearby bore;
 - d) Set out how the dewatering shall be undertaken so that the rate of dewatering is as low as reasonably practicable.

Advice Note:

It is expected that one CEMP will be prepared which will cover the requirements of all construction phase activities for this project, including take and discharge of dewatering water and excavations.

4. The CEMP shall contain the following information regarding the dewatering take:
 - a) The anticipated rate of dewatering;
 - b) Details of the method that will be used to take groundwater;
 - c) Methods that will be used to avoid environmental effects during the dewatering;
 - d) Procedures for observing and monitoring the take, including the frequency of monitoring, location of monitoring, method of monitoring, and who will be responsible for the monitoring;
 - e) Details of reporting that will be undertaken in accordance with this consent.
5. The dewatering sections of the CEMP shall be provided to the Council at least 20 working days prior to the dewatering discharge commencing, for certification they meet the objective set in Condition 2 and cover the matters set out in Conditions 3 and 4. The take of groundwater for dewatering shall not commence until certification of the dewatering sections of the CEMP has been received from Council. Notwithstanding this, if 20 working days have passed and no

Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

correspondence has been received from the Council regarding the adequacy of the CEMP, the take of groundwater for dewatering may commence.

6. Groundwater take for dewatering shall be undertaken in accordance with the dewatering sections of the CEMP.
7. If an event occurs on-site that may lead to contamination of groundwater, the consent holder shall notify Council (Manager Compliance) of the event as soon as reasonably practicable after the event occurs.

Advice Note:

The Regional Council's 24 hour Pollution Hotline should also be contacted on 0800 108 838.

8. All works and structures relating to this resource consent shall be designed and constructed to conform to best engineering practices and at all times maintained to a serviceable standard.
9. The conditions of this consent may be reviewed by the Council during the month of May of any year pursuant to sections 128 to 132 of the RMA. The actual and reasonable costs of any review undertaken will be charged to the consent holder, in accordance with section 36 of the RMA. The conditions may be reviewed for any of the following purposes:
 - a) To deal with any adverse effect on the environment which may arise from the exercise of this consent, which it is appropriate to deal with at that time or which became evident after the date of issue;
 - b) To require that the installation and reading of the water-measuring device or water meter data reporting system is consistent with any policies or rules in a regional plan, a National Environmental Standard;
 - c) To modify any monitoring programme, or to require additional monitoring if there is evidence that current monitoring requirements are inappropriate, inaccurate or inadequate;
 - d) To ensure that the rate and volume of water authorised by the consent is consistent with actual water needs for an efficient take for the consented purpose and is physically able to be taken;
 - e) To require, if necessary, the installation of a backflow prevention device to ensure that no contaminant can enter the aquifer through the bore;
 - f) To modify and/or add conditions of consent in order to ensure that it is consistent with the operative provisions of a regional plan. This shall include (but not be limited to) conditions specifying any maximum or minimum levels, minimum flows and associated implementation timeframes, and/or abstraction rates or volumes (including allocation limits).

Administration

Notification of Changes to Details

10. It is the responsibility of the consent holder to inform the Council (Manager Consents) if any details regarding this consent, including any sale / purchase of the property and any change to contact details.

Routine Monitoring

11. Routine monitoring inspections will be undertaken by Council officers at a frequency of no more than once every year to check compliance with the conditions of the consent. The costs of any routine monitoring will be charged to the consent holder in accordance with the Council's Annual Plan of the time.

Non-routine Monitoring

Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

12. “Non routine” monitoring will be undertaken if there is cause to consider (e.g. following a complaint from the public, or routine monitoring) that the consent holder is in breach of the conditions of this consent. The cost of non-routine monitoring will be charged to the consent holder in the event that non-compliance with conditions is determined, or if the consent holder is deemed not to be fulfilling the obligations specified in section 17(1) of the RMA, which states:

Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with

a) any of sections 10, 10A, 10B, and 20A; or

b) a national environmental standard, a rule, a resource consent, or a designation.

Consent Impact Monitoring

13. In accordance with section 36 of the RMA (which includes the requirement to consult with the consent holder) the Council will levy additional charges for the cost of monitoring the environmental effects of this consent, either in isolation or in combination with other nearby consents. Any such charge would generally be set through the Council's Annual Plan process.

Debt Recovery

14. It is agreed by the consent holder that it is a term of the granting of this resource consent that all costs incurred by the Council for, and incidental to, the collection of any debt relating to this resource consent, whether as an individual or as a member of a group, and charged under section 36 of the RMA, shall be borne by the consent holder as a debt due to the Council, and for that purpose the Council reserves the right to produce this document in support of any claim for recovery.

HBRC CONSENT – DISCHARGE TO LAND AND WATER – CONSTRUCTION DEWATERING

Activity Description To discharge dewatering water associated with the construction of new stormwater and process water treatment facilities onto or into land (settling pond) and into water (Waitangi Estuary) in the Coastal Margin.

Consent Duration 10 years from the commencement date of this consent.

CONDITIONS

1. The activities authorised by this consent shall be undertaken generally in accordance with the Assessment of Environmental Effects dated 30 November 2021 and associated management plans and other information supplied as part of the application for this resource consent. If a conflict arises between any conditions of this consent and the application, the conditions of this consent will prevail.
2. Prior to the discharge of water from dewatering the consent holder shall prepare a Construction Environmental Management Plan (CEMP) with the objective of ensuring the take of dewatering water shall be managed to minimise environmental effects. The dewatering discharge section of the CEMP shall be prepared by a person who is suitably qualified and experienced in managing discharges to the receiving environment
3. The CEMP shall contain the following information regarding dewatering:
 - a) Procedures for assessing the quality of the dewatering water to determine its quality prior to discharge. These shall be prepared in accordance with advice from a suitably qualified and experienced contaminated land practitioner;
 - b) Water quality limits for discharges of dewatering water to the receiving environment, based on advice from a suitably qualified and experienced surface water quality scientist or ecologist;
 - c) Procedures for treating or managing the dewatering water, if necessary to meet the water quality limits for the environment;
 - d) Procedures for observing and monitoring the discharge, including the frequency of monitoring, location of monitoring, method of monitoring, and who will be responsible for the monitoring;
 - e) Details of actions that will be undertaken in the event that the monitoring of the discharge indicates that the water quality limits are not being met;
 - f) Details of reporting that will be undertaken in accordance with this consent.

Advice note:

It is expected that one CEMP will be prepared which will cover the requirements of all construction phase activities for this project, including take and discharge of dewatering water and excavations.

4. The dewatering sections of the CEMP shall be provided to the Council at least 20 working days prior to the dewatering discharge commencing, for certification that they meet the objective set in condition 2 and cover the matters set out in condition 3 above. Dewatering discharge shall not commence until certification of the dewatering sections of the CEMP has been received Council. Notwithstanding this, if 20 working days have passed and no correspondence has been received from the Council regarding the adequacy of the CEMP, the discharge may commence.
5. Dewatering discharge shall be undertaken in accordance with the dewatering sections of the CEMP.

Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

6. The dewatering discharge shall not cause erosion or scour of the receiving environment.
7. The dewatering discharge shall not cause or exacerbate flooding in the receiving environment.
8. The discharge shall not contain more than 100 milligrams per litre of total suspended solids.
9. The reporting required under the CEMP shall be provided to the Council on request.
10. The conditions of this consent may be reviewed by Council during the month of May of any year pursuant to sections 128 to 132 of the RMA. The actual and reasonable costs of any review undertaken will be charged to the consent holder, in accordance with section 36 of the RMA. The conditions may be reviewed for any of the following purposes:
 - a) To deal with any adverse effect on the environment which may arise from the exercise of the consent, which it is appropriate to deal with at that time or which became evident after the date of issue;
 - b) To require that the discharge is consistent with requirements in a regional plan or a National Environmental Standard;
 - c) To modify any monitoring programme, or to require additional monitoring if there is evidence that current monitoring requirements are inappropriate, inaccurate or inadequate;
 - d) To modify and/or add conditions of consent in order to ensure that it is consistent with the operative provisions of a regional plan. This shall include (but not be limited to) conditions specifying any maximum or minimum levels, minimum flows and associated implementation timeframes, and/or abstraction rates or volumes (including allocation limits).

Administration

Notification of Changes to Details

11. It is the responsibility of the consent holder to inform the Council (Manager Consents) if any details regarding this consent, including any sale / purchase of the property and any change to contact details.

Routine Monitoring

12. Routine monitoring inspections will be undertaken by Council officers at a frequency of no more than once every year to check compliance with the conditions of the consent. The costs of any routine monitoring will be charged to the consent holder in accordance with the Council's Annual Plan of the time.

Non-routine Monitoring

13. "Non routine" monitoring will be undertaken if there is cause to consider (e.g. following a complaint from the public, or routine monitoring) that the consent holder is in breach of the conditions of this consent. The cost of non-routine monitoring will be charged to the consent holder in the event that non-compliance with conditions is determined, or if the consent holder is deemed not to be fulfilling the obligations specified in section 17(1) of the RMA, which states:

Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with

a) any of sections 10, 10A, 10B, and 20A; or

b) a national environmental standard, a rule, a resource consent, or a designation.

Consent Impact Monitoring

14. In accordance with section 36 of the RMA (which includes the requirement to consult with the consent holder) the Council will levy additional charges for the cost of monitoring the



***Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version***

environmental effects of this consent, either in isolation or in combination with other nearby consents. Any such charge would generally be set through the Council's Annual Plan process.

Debt Recovery

15. It is agreed by the consent holder that it is a term of the granting of this resource consent that all costs incurred by the Council for, and incidental to, the collection of any debt relating to this resource consent, whether as an individual or as a member of a group, and charged under section 36 of the RMA, shall be borne by the consent holder as a debt due to the Council, and for that purpose the Council reserves the right to produce this document in support of any claim for recovery.

HBRC CONSENT –LANDUSE- CONSTRUCTION, EARTHWORKS AND VEGETATION CLEARANCE

Activity Description Vegetation clearance and soil disturbance activities in the Coastal Margin associated with:

- Erection, reconstruction, placement, alteration, extension, removal, or demolition of stormwater and process water treatment and discharge structures; and
- Wetland restoration activities

Consent Duration 10 years from the commencement date of this consent.

CONDITIONS

1. The activities authorised by this consent shall be undertaken generally in accordance with the Assessment of Environmental Effects dated 30 November 2021 and associated management plans and other information supplied as part of the application for this resource consent. If a conflict arises between any conditions of this consent and the application, the conditions of this consent will prevail. Where a conflict arises between any conditions of this consent and the application, the conditions of this consent will prevail.
2. The planting and associated works authorised by this consent shall be undertaken in the area and for the purposes described in *Ravensdown Napier Works, Habitat Abundance and Restoration Plan, October 2022*.
3. Within six months from the commencement date of this consent, the consent holder shall reconvene the HARP Advisory Group made up of Mana Whenua, HBRC (landowner) representatives and other interest stakeholders.
4. The consent holder shall ensure that any contractors engaged to undertake work authorised by this consent abide by the conditions of this consent. The person responsible for the work on site shall be familiar with the consent conditions and a copy of this consent shall be present on site at all times while the work is being undertaken.
5. All practicable measures shall be implemented to minimise sediment discharges into waterbodies.
6. All disturbed areas shall be stabilised as soon as practicable following completion of the works.
7. The earthworks and vegetation clearance shall occur in accordance with an Erosion and Sediment Control Plan (ESCP). The objective of the ESCP shall be to detail the best practicable erosion and sediment control measures that will be taken to ensure compliance with this resource consent. The Plan shall be prepared as far as practicable to be in accordance with the Hawke's Bay Water Guidelines: Erosion and Sediment Control (2009).

Advice Note:

The requirement for a ESCP for these works is also contained in the associated Napier City Council resource consent and only one Plan is required for certification by both Councils).

8. The ESCP shall be provided to the Council at least 20 working days prior to the earthworks and/or vegetation removal commencing, for certification that it meets the objective set out in condition 7 and is prepared as far as practicable to be in accordance with the Hawke's Bay Water Guidelines: Erosion and Sediment Control (2009).
9. Earthworks and vegetation clearance shall not commence until certification of the ESCP has been received from Council. Notwithstanding this, if 10 working days have passed and no

Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, 16 Nov 2022
Hearing Evidence Version

correspondence has been received from the Council regarding the adequacy of the ESCP, the works may commence.

10. The ESCP may be amended at any time. Any amendments shall be:
 - a) Only for the purpose of improving the efficiency of the erosion and sediment control measures or the management of contaminated soil and shall not result in reduced efficacy of the management;
 - b) Consistent with the conditions of this resource consent; and
 - c) Submitted in writing to the Council, prior to any amendment being implemented.
11. The consent holder shall check, clean and dry machinery used in the bed of the waterbody or drain to limit the spread of aquatic and plant pests.
12. 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:
 - a) Immediately stop all works authorised by this resource consent; and,
 - b) Immediately take all practicable steps to contain and then remove the contamination from the environment,
 - c) Immediately notify the Council of the escape; and,
 - d) Report to the Council, in writing and within 7 days, describing the manner and cause of the escape and the steps taken to control it and prevent its reoccurrence.
13. In the event of any archaeological site or waahi tapu being uncovered during the exercise of this consent, activities in the vicinity of the discovery shall cease. The consent holder shall contact the Council (Manager Compliance) to obtain contact details of the relevant tangata whenua. The consent holder shall then consult with the relevant local hapū or marae and the Heritage New Zealand Pouhere Taonga, and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga and tangata whenua approvals to damage, destroy or modify such sites have been obtained.
14. The conditions of this consent may be reviewed by Council during the month of May of any year pursuant to sections 128 to 132 of the RMA. The actual and reasonable costs of any review undertaken will be charged to the consent holder, in accordance with section 36 of the RMA. The conditions may be reviewed for any of the following purposes:
 - a) To deal with any adverse effect on the environment which may arise from the exercise of the consent, which it is appropriate to deal with at that time or which became evident after the date of issue;
 - b) To require that the discharge is consistent with requirements in a regional plan or a National Environmental Standard;
 - c) To modify any monitoring programme, or to require additional monitoring if there is evidence that current monitoring requirements are inappropriate, inaccurate or inadequate;
 - d) To modify and/or add conditions of consent in order to ensure that it is consistent with the operative provisions of a regional plan.

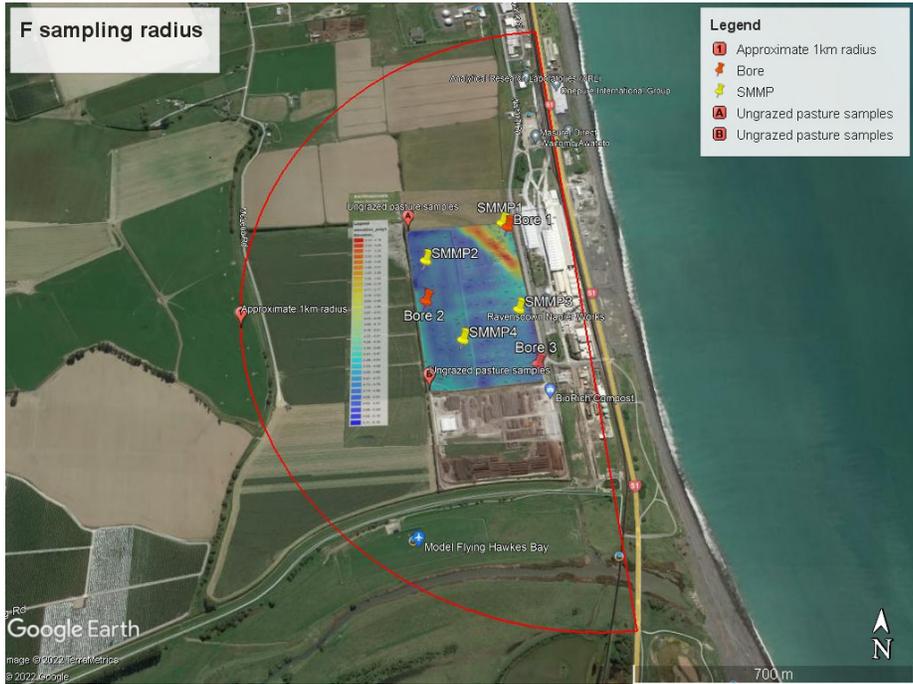
Hawke's Bay Regional Council Resource Consent Plans



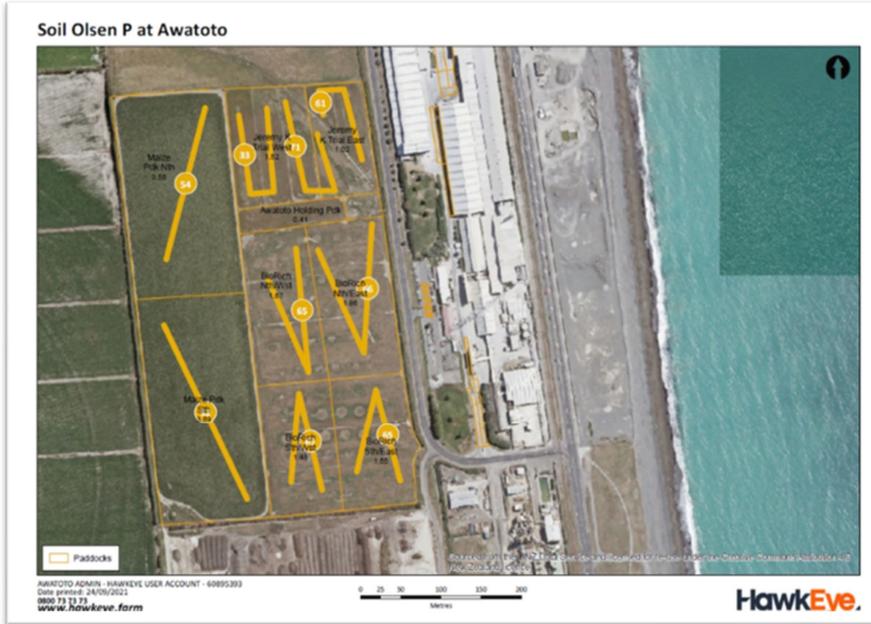
Plan A – Ambient air monitoring locations



Plan B – Land Discharge area, Soil Moisture Monitoring and Groundwater Monitoring Bore Locations



Plan C – Land Discharge Soil Sampling Locations



Plan D – Plan Showing Water Discharge point, Ravensdown Drain and HARP Area



ATTACHMENT 2: NGATI PĀRAU LETTER OF SUPPORT

Andrew Torrens
Napier Works Manager
Ravensdown Limited
200 Waitangi Road, Awatoto
NAPIER

28 October 2022

Kia ora Andrew

Ravensdown Napier Works – Applications to renew resource consents

I would like to thank you and the Ravensdown team for the thorough process you have undertaken in involving and engaging with mana whenua throughout the Ravensdown consent process.

The opportunity to be involved in the processes of choosing the primary land-based water treatment and discharge system, working up the HARP wetland proposal, preparing the two CIAs, and co-drafting the agreed set of Mana Whenua Recognition and Participation conditions has been appreciated, and one which we feel is good practice.

On behalf of Ngāti Pārau Hapū Trust, we are comfortable with the granting of these consents for a 35-year term based on the terms and conditions proposed by the applicant, and as agreed by the mana whenua roopuu and relevant experts during the pre-hearing process.



Ngā mihi
Chad Tareha
Chairman, Ngāti Pārau Hapū Trust

