

Applicant: Ravensdown Limited

Consent Application Number: APP-126684 (with corresponding consent AUTH identifiers)

Consent Type(s): Discharge Permit

Activity Type(s): Non-complying (bundled)

Notification Type: Publicly

Property Address: Waitangi Road, Awatoto

Relevant Act: Resource Management Act (RMA)

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1. INTRODUCTION

1.1 Approach to officer’s report

The applicant has provided a comprehensive resource consent application suite of documents including assessment of environmental effects (AEE) and planning assessment. Rather than repeating the AEE (and subsequent S92 information etc) I:

- provide a brief summary of the key aspects of the proposed activities
- adopt all of the information provided
- focus on key matters and technical and submitter outstanding issues only that warrant attention

1.2 Summary of Applications and Relevant Rules

Ravensdown Limited (“the applicant” or Ravensdown) has applied (lodged 30 November 2021) for a range of “renewal” and new resource consents. Overall, the proposed activities (bundled) are **Non-complying** under the two relevant operative regional plans:

- Hawke’s Bay Regional Resource Management Plan (RRMP; operative 28 August 2006)
- Hawke’s Bay Regional Coastal Environment Plan (RCEP; operative 8 November 2014)

A summary of the proposed activities, relevant rules and reasons for consent are provided in Table 1-1.

Table 1-1: Summary of Proposed Activities and Reasons for Consent

Application Number / Status	Activity Description	Relevant Regional Plan and Rule
AUTH-127374-01 Renewal	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	Rule 28 - RRMP
AUTH-127375-01 Renewal	to discharge treated stormwater and process water and associated contaminants from a sulphuric acid and fertiliser manufacturing plant at Awatoto into the Tūtaekurī River (Waitangi Estuary)	Rule 9 of the RCEP and Reg 54 (c) of the NESFW
AUTH-127885-01	to take water from well no’s. 15986 and 15989 (150 mm diameters) for use in the manufacture of sulphuric acid and fertilisers, irrigation of crops and to sustain an artificial wetland and the Waitangi Estuary	Rule 35 of the RCEP Rule TANK 11*
AUTH-127886-01 Renewal	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	Rule 52 of the RRMP and Rule TANK 22
AUTH-127887-01	to temporarily discharge dewatering water associated with the construction of new stormwater and process water treatment facilities onto or into land and into water (Waitangi Estuary) in the	Rule 9 of the RCEP

New	Coastal Margin	
AUTH-127889-01	to temporarily take groundwater by dewatering associated with construction of new stormwater and process water treatment facilities	Rule 55 of RRMP
New		
AUTH-127890-01	to undertake vegetation clearance and soil disturbance activities in the Coastal Margin associated with: the erection, reconstruction, placement, alteration, extension, removal, or demolition of stormwater and process water treatment and discharge structures; and wetland restoration activities.	Reg 54 (b), Reg 42 and Reg 39 of NESFW and Rule 8 of the RCEP
New		

*Note: The applicant did not apply for consents under these rules, but the reporting officer considers the TANK rule as also relevant. See Section 3.2.1 below.

1.3 Summary of Proposal

The consent application and AEE was prepared by Mitchell Daysh Limited and contained a large volume of technical reports with various authors. The consent application and AEE suite also cover activities that are permitted. Given the breadth of the consent application and AEE document suite, a summary of the proposal is outlined below (refer to Preamble and Part B pages 1-2 of the AEE):

- Ravensdown undertakes the manufacture, storage and sale of sulphuric acid and phosphate fertilisers which requires the import of bulk materials and the production of sulphuric acid
- A water discharge strategy that sets out Ravensdown's commitment to sustainable water discharges from the Napier Works with no significant adverse effects in the receiving environment.
- Air and water discharge strategies that adopt strict contaminant discharge limits based on detailed effects assessments and having regard to current and future expectations set in national and regional planning instruments.
- Water discharge limits that align the discharges with long term council and community expectations requiring Ravensdown to undertake a major improvement project to control and treat water discharges from its site to a very high standard.
- When soil and weather conditions do not allow irrigation to land, discharge of the treated water will be into the HARP wetland area which will be created as part of an Adaptive Management Plan – Ravensdown. Prior to the full establishment of the HARP Wetland in Years 1 and 2, any discharge needed to the Waitangi Estuary area will be via the existing system to the Blind Arm of the Tūtaekurī River, with a condition requiring that this takes place within three hours either side of high tide to take advantage of times of higher and more rapid dilution.
- To ensure that the treated water which is either discharged to land via irrigation, or which reaches the Waitangi Estuary area has low levels of contaminants consistent with the expectations of the National Policy Statement Fresh Water Management (NPS-FW) and the Tūtaekurī, Ahuriri, Ngaruroro and Karamū (TANK) Plan Change, Ravensdown is committing in this application to a staged and adaptive approach to achieve the TANK Plan Change standards within 6 years of commencement of the new consent.
- Within 18 months of consent commencement Ravensdown proposes to install and commission a clarifier (and associated holding pond) and bioretention device. These Stage 1 works are expected to significantly improve the pre-discharge quality of water from the Site. The effectiveness of the Stage 1 works on the discharge water quality will be closely monitored to inform the detailed design of Stage 2 works which are likely to include a new settling and discharge pond, as well as a constructed wetland.
- The Stage 2 works will be implemented within 5 years of consent commencement. It is expected that following commissioning of Stage 2 the discharge water quality will meet the TANK standards after reasonable mixing.
- A collaborative process that Ravensdown initiated and participated in with local community stakeholders, including the establishment and facilitation of a TFG that has selected a preferred discharge strategy based on a preferential pathway for the discharge of stormwater to land whenever possible.

- Ravensdown wish to lead in the long-term sustainable management of the Napier Works and the community's' desire to enhance the adjacent Waitangi Estuary to create an abundant freshwater wetland habitat has led to the idea of the Habitat Abundance Restoration Project ("HARP").

1.4 Summary of submissions

The applications received thirteen submissions from the submitters listed in Table 1-2:

Table 1-2: Submissions Summary List

Submitter	Position	Wish to be heard at pre-hearing and/or hearing?
LegaSea Hawkes Bay	Support	No*
Duncan Darroch	Oppose	No
Fred Sugden	Neither support nor oppose	Yes
Elliott Morgan	Oppose	No
Royal Forest and Bird Protection Society of New Zealand Inc.	Oppose	Yes
Hawke's Bay District Health Board	Oppose	Yes
Ngāti Pārau Hapū Trust	Oppose	No*
Kohupatiki Marae	Oppose	Yes
Margie McGuire	Oppose	Yes
Abbey Pearson	Oppose	No
Aramanu Ropiha	Oppose	Yes
Ngāti Kahungunu Iwi Incorporated (NKII)	Oppose	Yes
Kahungunu ki Te Matau a Māui	Oppose	Yes

*Although it was noted in their submission as not wishing to attend pre-hearing meetings, LegaSea and Ngāti Pārau Hapū Trust have attended the pre-hearing meetings.

1.5 Pre-hearing meeting outcomes

Two pre-hearing meetings were held in 2022 and are documented in the s99 (RMA) pre-hearing meeting reports. Key outstanding issues following the second pre-hearing meeting were:

- Climate change matters around consent term and vegetation
- HARP water quality
- Consent duration in general

Subsequent to the pre-hearing meetings the applicant, HBRC technical team and mana whenua engaged on outstanding matters. Outstanding issues from other submitters and how they have been dealt are covered in this report. At the time of writing this report, no submitters who initially indicated in their submissions that they wish to be heard at hearing have stated that they no longer wish to be heard at a hearing apart from Ngāti Pārau Trust (letter received 28 October 2022). Subsequent email exchanges with Hawke's Bay District Health Board indicates that only one outstanding issue appears to be remaining surrounding the details of the best practicable option technology review condition. The applicant has proposed some further amendments to address this concern but at the time of writing there had been no response to this in writing.

1.6 Recent compliance reports, offences and incidents

The latest HBRC annual compliance report, abatement notices and infringement notices are summarised below:

December 2020 Compliance Reports (01/07/2019 to 30/06/2020 Period)

- Discharge to the Waitangi Estuary: only minor / low risk non-compliances with monitoring conditions occurred
- Discharge to air: moderate non-compliance occurred for:
 - Condition 24 is graded moderate non-compliance for 15 exceedances of the 350ug/m³ SO₂ limit during two separate sulphur fires inside the melter on the 04/10/2019 (between 17:10 and 18:10) and 18/10/2019 (between 03:00 and 12:50).
 - Condition 29 is graded moderate non-compliance for 106 exceedances of the 7ug/m³ H₂S limit during the September 2019 and March 2020 monitoring rounds.
 - Condition 34 is graded moderate non-compliance for a fluoride exceedance beyond the boundary of the site in January 2020.
 - Condition 36 and 37 are graded moderate non-compliance for pH and fluoride exceedances during the August 2019 cold start up.
 - Condition 52 is graded moderate non-compliance for the continuous pressure and particulate monitoring system not being installed. Council acknowledges that recent pressure monitoring tests have failed to find an adequate solution but more investigation into pressure or particulate monitoring is important to ensure that fugitive particulate emissions from the site are minimised.

4 March 2021 Infringement Notice

- Contravened Section 15(1)(c) of the Resource Management Act 1991 in that you discharged a contaminant, namely sulphur dioxide, from an industrial premise, namely The Ravensdown fertiliser and acid manufacturing plant, into air when that discharge was not expressly allowed by a national environmental standard or other regulations, a rule in a regional plan, or a resource consent.

5 October 2022 Abatement Notices

- The Resource Management (National Environmental Standards for Air Quality) Regulations (2004) (NES:AQ) thresholds were breached for sulphur dioxide.
- The exceedances were as a result of sulphur on the lagging of the sulphur tank that had caught on fire following cleaning processes.

2. ASSESSMENT OF ENVIRONMENTAL EFFECTS

The applicant provided a comprehensive consent application and AEE along with a number of assessment reports (prefixed 'A#') and reference report (prefixed with 'R#'). Overall, I agree with the conclusions of the AEE. Rather than repeating the AEE, I provide a summary of the effects in Table 2-1 and any effects that require further commentary is provided in the subsequent sections.

Table 2-1: Summary of Overall Effects

Activity / Effect	Applicant Conclusion on Past Effects	HBRC Conclusion on Past Effects	Applicant Conclusion on Existing Effects	HBRC Conclusion on Existing Effects	Applicant Conclusion on Future Effects	HBRC Conclusion on Future Effects	Comments
Discharge to air from	N/A	N/A	No more than minor	No more than minor	Less than minor	Less than minor	As agreed by all

stack(s) effects on human health			adverse	adverse	adverse	adverse	experts.
Discharge to air from stack(s) on vegetation	N/A	N/A	No more than minor adverse	No more than minor adverse	Less than minor adverse	Less than minor adverse	As agreed by all experts.
Discharge to air from stack(s) effects on animal / livestock health			No more than minor adverse	No more than minor adverse	No more than minor adverse	No more than minor adverse	ANZEC (1990) guideline for Fluoride has been occasionally exceeded in the past. Further monitoring and management responses to management potential effects and risk.
Discharge to air from fugitive dust on nuisance effects	N/A	N/A	No more than minor adverse	No more than minor adverse	Less than minor adverse	Less than minor adverse	Potential effects to be determined through monitoring conditions.
Discharge to air (from fugitive windblown dust) on water quality and ecology in Waitangi Waterway adjacent to site	Potentially more than minor	No more than minor adverse	No more than minor adverse	Effects to be reduced and mitigated through SCMP. Potential effects to be determined through monitoring conditions. Refer to fugitive effects JWS.			
Discharge to water effects on aquatic ecology	Potentially more than minor	Potentially more than minor	No more than minor adverse	No more than minor adverse	Less than minor adverse	Less than minor adverse	As agreed by all experts.
Discharge to water effects on mana whenua values	Minor / potentially more than minor	No more than minor	No more than minor	Ongoing discharge to HARP / Waitangi Estuary could be considered as potentially more than minor but likely to be no more than minor.			
Discharge to land effects on aquatic ecology	N/A	N/A	N/A	N/A	Less than minor adverse	Less than minor adverse	As agreed by all experts.
Discharge to land effects on NCC	N/A	N/A	N/A	N/A	Low risk	Low risk	As agreed by all experts.

public water supply							
Groundwater take effects on other uses, aquifer sustainability and salt water intrusion	Less than minor adverse	As agreed by all experts.					
Temporary dewatering & discharges to land and water	N/A	N/A	N/A	N/A	Less than minor adverse	Less than minor adverse	As agreed by all experts.
Vegetation clearance and soil disturbance for upgrades & HARP	N/A	N/A	N/A	N/A	Less than minor adverse	Less than minor adverse	As agreed by all experts.
New HARP	N/A	N/A	N/A	N/A	Positive	Positive	As agreed by all experts.

Notes: N/A = not applicable.

2.1 Expert witness conferencing and joint witness statement outcomes

Expert conferencing was held between June 2022 and October 2022. Initial conferencing sessions were held with an independent facilitator (Alison Francis) and preliminary joint witness statements (JWS) were produced with outstanding issues identified. All outstanding issues were subsequently closed out (except for a few consent conditions refer to Section 15 below and animal health effects / risk) via further conferencing (with no independent facilitator), supplementary information and consent conditions.

2.2 Mana Whenua and Cultural Values

Two cultural impact assessments (CIA) accompanied the consent applications:

- A10: Authored by Chad Tareha on behalf of the Mana Whenua Hapū, Ngāti Pārau.
- A11: Whataangaanga and surrounds – cultural values, names and associations authored by Aramanu Ropiha on behalf of Kohupatiki Marae.

Based on the CIA's and consultation with mana whenua the applicant concludes that after the upgrades and implementation of the HARP, the effects on mana whenua values are likely to be no more than minor. I generally agree with this conclusion noting that there is the potential for more than minor adverse effects given mana whenua preference for the discharge to land instead of to water.

2.3 Aquatic Ecology and HARP

The proposed discharge to land, cut and carry, treatment upgrades and discharge hierarchy is likely to result in significant reductions of contaminant loads to the lower Tūtaekurī River and Waitangi Estuary. This discharge approach combined with the addition of the proposed HARP wetland is likely to provide ecological benefits and is a significant improvement compared to the current discharge. Overall the future potential adverse effects on ecology from the discharge to land water is likely to be less than minor.

As noted in the AEE the HARP was originally:

- *being volunteered as a significant “benefit” project.*

- *the HARP is not being put forward for consideration under S104(1)(ab)¹ as a volunteered project to mitigate, offset or compensate for any identified adverse effects but as a significant long term habitat enhancement project in its own right.*

At the first pre-hearing meeting, the applicant changed their stance on this matter, and considered the HARP to contribute towards compensating past adverse effects on ecology and mana whenua values. During the second pre-hearing meeting there was a discussion around how the TANK water quality targets will be met, the mixing zone, use of bore water for dilution within the wetland and whether the HARP wetland forms part of the treatment train and/or the receiving environment. Regardless of the framing of the HARP, whether it be compensation and part of the treatment train, the addition of the HARP is likely to result in positive effects. Monitoring and adaptive management conditions have been developed to deal with any undesirable effects within the HARP and after reasonable mixing noting that much of the success of the HARP will hinge on the design of the HARP and nutrient loads into it thus highlighting the need for optimal site management, treatment and pre-treatment as well ongoing best practice maintenance.

2.4 Air Discharge Effects on Vegetation and Animal Health

The Ravensdown and HBRC vegetation experts (Dr Trolove and Ms Shanks) agree that the proposed discharges are likely to have adverse effects on vegetation which is no more than minor. However, both experts had provided a JWS that considers that there is still a potential risk to animal health from the fluoride in the discharge for any animals grazing within 1 km of site if not managed appropriately. The applicant had initially indicated that there is no grazing of animals within 1 km of the site. Subsequently in October 2022 the applicant confirmed (Ian Milner, pers. comm) that neighbouring sites at times have sheep that graze pasture from May-September. Further discussions and email exchanges led to developing new consent conditions which include fluoride monitoring of pasture with a management response should the ANZEC (1990) guideline numerical triggers be reached. These new consent conditions have been agreed between the experts. Through these discussions and new consent conditions it was confirmed that the risk to animals within 1 km is low.

3. REGIONAL POLICY STATEMENT AND REGIONAL PLANS

3.1 Regional Policy Statement (RPS)

Chapter 3 of the RRMP contains the RPS. The applicant has undertaken an adequate assessment of the relevant objectives and policies of the RPS.

Submitters and the technical reviewers have raised the issue of “dilution is not the solution” and whether or not the taking of groundwater and use for diluting pollutants from the applicant’s activities and sustaining the HARP wetland is an efficient use of water.

OBJ LW 1 9. Requires ensuring efficient allocation and use of water. Under the RPS 9.77A defines efficient allocation and use as:

Efficient allocation and use has the same meaning as given in the 2011 NPSFM’s interpretation section. For the purposes of this Plan, economic efficiency means water use which results in the optimum outcome for the environment and community; technical efficiency means the amount of water beneficially used in relation to that taken; and dynamic efficiency means the adaptability of

¹ S104(1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 and section 77M, have regard to ... (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.*

water allocation to achieve ongoing improvements in efficiency.

The applicant states:

Although groundwater resources are over-allocated in this area, the groundwater take proposed represents an overall net reduction in consented allocation of this resource. All water abstracted will be used efficiently and recycled where appropriate. Using a portion of abstracted groundwater to sustain the constructed wetland and land-based treatment area would not normally be considered an efficient use of water, however, this enables a far better environmental management outcome to be achieved compared with resulting nutrient release risks associated with a malfunctioning and decaying wetland and/or the loss of contaminant uptake by crops. Use of groundwater to sustain the new/restored HARP wetland results in a similarly positive outcome overall.

In my opinion, on balance, given that lowland freshwater wetlands have been decimated in Aotearoa from past activities and the proposed HARP is to be a freshwater dominated wetland (with some ingress depending on high tides), the use of groundwater for the HARP is efficient when considering the proposal holistically and the potential net benefits.

3.2 Regional Resource Management Plan (RRMP)

The applicant has undertaken a comprehensive assessment of the relevant objectives, policies and rules of the RRMP. Overall, I consider the proposed activities are not contrary to any objectives and policies of this plan.

3.2.1 Tūtaekurī, Ahuriri, Ngaruroro and Karamū Plan Change 9

HBRC is proposing plan change² 9 (PC9) to the RRMP to manage water quality in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū (TANK) catchments. The proposed TANK plan change was publicly notified on 2 May 2020 hearings were held in May to July 2021 and in September 2021. Pursuant to Section 86B(1) and (3) (RMA), the proposed TANK plan change rules have immediate legal effect. The commissioner's decision version was released on 9 September 2022. The appeal period closed on 26th October and 15 appeals have been lodged. These range from opposition to specific matters to opposition to the plan change in its entirety. Regardless they must be given considerable weight. Ngāti Kahungunu Iwi Incorporated who have been involved in the consent process and are included through the consent conditions as komiti therefore any relevant TANK matters (if any) can be addressed through this consent framework, with amendments (if required) following further communication with Ngāti Kahungunu Iwi Incorporated. Having read the Ngāti Kahungunu Iwi Incorporated appeal on TANK it appears that the recommended resource consent conditions largely covers Ngāti Kahungunu Iwi Incorporated matters of appeal.

The applicant has considered both the TANK plan as notified and the HBRC officer's recommended track changed version, and I have considered the decision version. In summary, key observations when comparing the commissioner's decision version and previous versions of TANK:

- Schedule 26 for Tūtaekurī River and Waitangi Estuary targets remain as is for the relevant parameters
- The addition of POL TANK 1 signals more recognition of tangata whenua in freshwater and sustainable management
- Some objectives and policies have been reconfigured with some minor wording changes which do not change the conclusions of the assessment undertaken by the applicant.

² Baker and Edmonds, *Proposed Plan Change 9 Tūtaekurī, Ahuriri, Ngaruroro and Karamū Catchments*, 49.

Commentary on TANK rules:

The Ravensdown bores are located in the coastal margin of the RCEP and also the TANK Heretaunga Plains Groundwater Management Unit. The applicant considers Rule 35 of the RCEP is the relevant rule for the taking of groundwater from the two Ravensdown wells as the location of these wells is seaward of the coastal margin boundary. Due to this overlap of TANK and the RCEP, my understanding is that Rule TANK 11 (discretionary) is also relevant. Regardless of the relevant rule, the applicant has undertaken an assessment of the relevant TANK objectives and policies.

Commentary on TANK objectives and policies:

Key TANK (9 September 2022 commissioner's decision version) objectives ("OBJ) and policies are considered below:

- OBJ TANK 1 states:

"Land and freshwater in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments are sustainably managed as integrated natural resources so that:

a) Te Mana o te Wai and, ki uta ki tai (mountains to the sea) are upheld and recognised

b) The interconnectedness between land and water and between surface water and groundwater are recognised

c) Indigenous biodiversity is protected and life-supporting capacity and the aquatic ecosystem processes are safeguarded

d) outstanding water bodies in Schedule 25 and the values in the plan objectives are appropriately protected and provided for and that:

e) the kaitiaki responsibilities of tangata whenua to land and freshwater and cultural connection are recognised and provided for

f) tangata whenua are supported in carrying out cultural practices with respect to water management in their rohe."

- OBJ TANK 2 states:

"Mauri enhancement and ecosystem health outcomes are achieved through: a) Collectively managing all of the specified attributes described in Schedule 26 b) Establishing and implementing minimum flows and allocation limits in rivers and streams c) Establishing an interim allocation limit of 90million cubic metres per year for takes of groundwater d) Allocating water based on Actual and Reasonable use e) Flow enhancement schemes."

Tangata whenua and kaitiaki have been considered and are an important part of the consent conditions framework and Te Mana o Te Wai has generally been taken into account by the applicant.

- OBJ TANK 3 requires that climate change is taken into account.

Climate change has been considered by the applicant and consent conditions address future potential climate change effects through triggered reviews.

- OBJ TANK 4 relates to water quality requiring TANK freshwater bodies is maintained where objectives are currently being met, or is
- improved in degraded waterbodies so that they meet target attribute states in Schedule 26 by 2040.

In summary, all relevant 'water quality' TANK objectives and policies are considered to be met. In particular, TANK policies 1 and 11 are most relevant:

POL TANK 1: Freshwater management in the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments will be achieved by the Council, tangata whenua and the urban and rural community working together in a way that:

- a) recognises tangata whenua as kaitiaki and other resource users as stewards and the responsibilities they each have in freshwater management*
- b) recognises the importance of monitoring, resource investigations and the use of mātauranga Māori to inform decision making and limit setting for sustainable management*
- c) ensures good land and water management practices are followed and where necessary, mitigation or restoration measures adopted*
- d) supports good decision making by resource users.*

TANK Pol 11: The Council will manage point source discharges (that are not stormwater discharges) so that after reasonable mixing, contaminants discharged either by themselves or in combination with other discharges enable existing water quality to be maintained or do not cause the 2040 target attribute states in Schedule 26 to be exceeded and when considering applications to discharge contaminants will also take into account:

- a) measurement uncertainties associated with variables such as location, flows, seasonal variation and climatic events*
- b) the degree to which a point source discharge is of a temporary nature, or is associated with necessary maintenance work*
- c) when it is an existing activity, identification of mitigation measures, where necessary, and timeframes for their adoption that contribute to the meeting of target attribute states*
- d) the necessity for requiring best practicable option to prevent or minimise any actual or likely adverse effect on the environment of any point source discharge of a contaminant.*

In regard to TANK Policy 11d, the applicant's "High-Level Stormwater and Process Water Options Review" R5 report concluded that the proposed 'point source' treatment system, which consists of a new bioreactor and wetland, may not meet the TANK water quality targets in Schedule 26 but other newer technology (membrane filter) would. Nevertheless, when considering the RMA definition of the best practicable option, the proposal is considered consistent with TANK Policy 11 as the adaptive management framework set in the conditions and technology reviews manage any uncertainty with meeting the water quality targets.

- Policy 6, 7, 8 and 9 requires the protection of the quality of groundwater of the Heretaunga Plains and surface waters used as source water for Registered Drinking Water Supplies through considering activities that may impact the water supplies.

The proposal is not contrary to policies 6-9.

- Policies 14 and 15 requires the Council to regulate activities in and adjacent to wetlands and lakes and will support and encourage the maintenance and improvement of wetland values.

The proposed discharges and HARP project meet the intent of the policies 14 and 15.

- TANK policies 33-39 deal with Heretaunga Plains Groundwater Levels and Allocation Limits

The proposed groundwater takes are not contrary to TANK policies 33-39.

Overall, it is considered that the proposed activities are not contrary to PC9.

3.2.2 Proposed Plan Change 7 – Outstanding Water Bodies

Proposed Plan Change 7 (PC 7) proposes to incorporate outstanding water bodies in the region into the RRMP. It was publicly notified in August 2019 and in June 2021 decisions were released. The outstanding water bodies are included in objectives, policies and Schedule 25 in the RRMP. No rules are proposed to be amended by PC7. Notably, the lower Tūtaekurī River and Waitangi Estuary are not included on the list of Outstanding Waterbodies. At the time of writing this officer's report, it is recognised that PC7 is under appeal of appellants including Ngāti Kahungunu Iwi Incorporated who have been involved in the consent process and are included through the consent conditions as komiti therefore any relevant PC7 matters (if any) can be addressed through this consent framework. It is noted that Forest and Bird are also an appellant to PC7 – any outcomes from this court process relevant to this consent application can be dealt with in due course.

3.3 Regional Coastal Environment Plan (RCEP)

The applicant has undertaken a comprehensive assessment of the relevant objectives, policies and rules of the RCEP. Overall, I consider proposed activities are not contrary to any objectives and policies of this plan.

3.4 Kotahi Plan

The Kotahi Plan is referred to in the TANK decision and will be created by the Regional Council working together with tangata whenua and our communities over the next few years. It will eventually replace the current Regional Policy Statement, Regional Resource Management Plan and Regional Coastal Environment Plan. No consideration of the Kotahi Plan is required at this point in time.

4. IWI MANAGEMENT PLANS

Relevant iwi management plans must be considered by HBRC include:

- *Kahungunu ki Uta, Kahungunu ki Tai: Marine & Freshwater Fisheries Strategic Plan*
- *Ngāti Hori Freshwater Resources Management Plan, "Operation Patiki" 2009/2012*
- *Mana Ake - An Expression of Kaitiakitanga, Te Taiwhenua o Heretaunga*
- *Tūtaekurī Awa Management and Enhancement Plan*

The applicant through the AEE, CIA's and subsequent consultation with mana whenua and consent conditions updates has adequately considered the aforementioned iwi management plans.

5. NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT

The National Policy Statement for Freshwater Management 2020 (NPSFM) sets out the objectives and policies for freshwater management and comes into effect on 3 September 2020 and replaces the National Policy Statement for Freshwater Management 2014 (amended 2017). Objectives and Policies have been incorporated into the RRMP and RCEP as required by the Freshwater NPS 2020. The applicant has undertaken a comprehensive assessment of the Freshwater NPS based on the NPS at the time. Of particular note the NPSFM states:

Framework:

(3) Te Mana o te Wai encompasses 6 principles relating to the roles of tangata whenua and

other New Zealanders in the management of freshwater, and these principles inform this National Policy Statement and its implementation.

(4) The 6 principles are:

(a) *Mana whakahaere*: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater

(b) *Kaitiakitanga*: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations

(c) *Manaakitanga*: the process by which tangata whenua show respect, generosity, and care for freshwater and for others

(d) *Governance*: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future

(e) *Stewardship*: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations

(f) *Care and respect*: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

Key policies include:

Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.

Policy 2: Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.

Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.

Part 3 goes on to state:

(1) Every regional council must engage with communities and tangata whenua to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region.

(2) Every regional council must give effect to Te Mana o te Wai, and in doing so must:

(a) actively involve tangata whenua in freshwater management (including decision making processes)...

(1) Every local authority must actively involve tangata whenua (to the extent they wish to be involved) in freshwater management (including decision-making processes), including in all the following:

(a) identifying the local approach to giving effect to Te Mana o te Wai...

It is considered that the recommended consent conditions regarding komiti inclusion are generally consistent with the intent of Te Mana O Te Wai. Overall, I consider proposed activities are not contrary to the Freshwater NPS.

6. NEW ZEALAND COASTAL POLICY STATEMENT (NZCPS)

The purpose of the New Zealand Coastal Policy Statement (NZCPS) 2010 is to achieve the sustainable management purpose of the RMA in relation to the coastal environment of New Zealand. As the application includes works within the coastal margin, the NZCPS is considered relevant. The NZCPS is currently under review³ but there have yet to be any amendments. The application contains an assessment of the applications against the NZCPS. Below are the objectives and policies that the reporting officer considers to be particularly relevant to the consideration of this application:

Objective 1

³ See <https://www.coastalrestorationtrust.org.nz/site/assets/files/1189/review-of-effect-of-nzcps-2010-on-rma-part-one.pdf>.

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature...*

Objective 3

To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:

- recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;*
- promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;*
- incorporating mātauranga Māori into sustainable management practices; and*
- recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.*

Objective 5

To ensure that coastal hazard risks taking account of climate change, are managed by: ...

- protecting or restoring natural defences to coastal hazards...*

Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*
- some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- functionally some uses and developments can only be located on the coast or in the coastal marine area;*
- the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land.*

Policy 1

Extent and characteristics of the coastal environment

(1) Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.

(2) Recognise that the coastal environment includes: ...

(d) areas at risk from coastal hazards;

(e) coastal vegetation and the habitat of indigenous coastal species including migratory birds;

(g) items of cultural and historic heritage in the coastal marine area or on the coast...

Policy 3 Precautionary approach

(1) Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.

(2) In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:

(a) avoidable social and economic loss and harm to communities does not occur;

(b) natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur...

The precautionary approach was noted in the Vegetation JWS. The effects arising from the applicant's proposed activities are known therefore it is considered that this policy has been met noting that there is some uncertainty around the effects from climate change on the proposed HARP which would need to be considered (refer to Climate Change Section below).

Policy 19 relates to walking access in the coastal environment and states that restrictions should only be placed on public access to, along or adjacent to the coastal marine area where they are necessary to protect public health and safety (amongst other things). The proposed discharge and HARP are not contrary to this policy.

Policy 25 relates to subdivision, use and development in areas at risk of coastal hazards. Subsection (c) encourages redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards. The proposed HARP would be at risk from coastal hazards in the future but this is balanced by the net benefits that it will bring and any risks can be dealt with via review conditions.

It is considered that the proposal, with the recommended consent conditions, is not contrary to the NZCPS.

7. NATIONAL ENVIRONMENTAL STANDARDS FOR FRESHWATER

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (Freshwater NES) regulate activities that pose risks to the health of freshwater, wetlands and freshwater ecosystems.

- Earthworks occurring within and within the 10m setback of a wetland associated
- with upgrades to the settling pond
- Discharges from the settling pond occurring within a natural wetland (Waitangi Estuary)
- The construction of wetland utility structures
- Restoration activities in a natural wetland including; vegetation clearance, earthworks and all associated water takes, diversions and discharges including the discharge of environmental flows of groundwater and treated stormwater for the purpose of sustaining a new/restored wetland.

The proposed activities are relevant in the context that they may impact existing wetlands i.e. Waitangi Estuary. Drainage works as referred to in the Freshwater NES is:

- works of any sort, including the making of drains for receiving water in its natural flow on or from any hills or other sloping lands, and diverting the same to prevent its overflow on to any other lands on a lower level, as well as drains for carrying off water from any lands (from Land Drainage Act 1908)

The applicant states that *"no works associated with the proposal will result in the complete or partial drainage of all or part of a wetland"*.

All other matters relating to earthworks, discharges, fish passage and structures appear are considered consistent with the intent of the Freshwater NES. Overall, it is considered that the proposed activities are consistent with the Freshwater NES.

8. NATIONAL ENVIRONMENTAL STANDARDS FOR SOURCES OF HUMAN DRINKING WATER

Regulations 7 and 8 of the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (NES) apply to water and discharge permits issued by

regional councils. Regulations 7 and 8 only apply to an activity that has the potential to affect a registered drinking-water supply that provides no fewer than 501 people with drinking water for not less than 60 days each calendar year. Regulation 12 only applies to an activity that has the potential to affect a registered drinking-water supply that provides no fewer than 25 people with drinking water for not less than 60 days each calendar year. The proposed activity is not expected to lead to an event occurring that may have a significant adverse effect on the quality of the water at the registered supply abstraction point, and, is not expected to have a significant adverse effect on the quality of the water at any abstraction point as a consequence of an event (for example, an unusually heavy rainfall). The proposal is also consistent with Proposed Plan Change 9 TANK's Policy 6 and Schedule 35 relating to *Source Protection for Drinking Water Supplies*.

9. STATUTORY ACKNOWLEDGEMENTS

Based on Schedule IA of the RRMP (sets out the statutory acknowledgements Hawke's Bay) and the HBRC online Pataka GIS portal (see Figure 1) there are two relevant statutory acknowledgements, namely the Ahuriri Hapu settlement and Heretaunga Tamatea Settlement Trust, within the consent application areas.

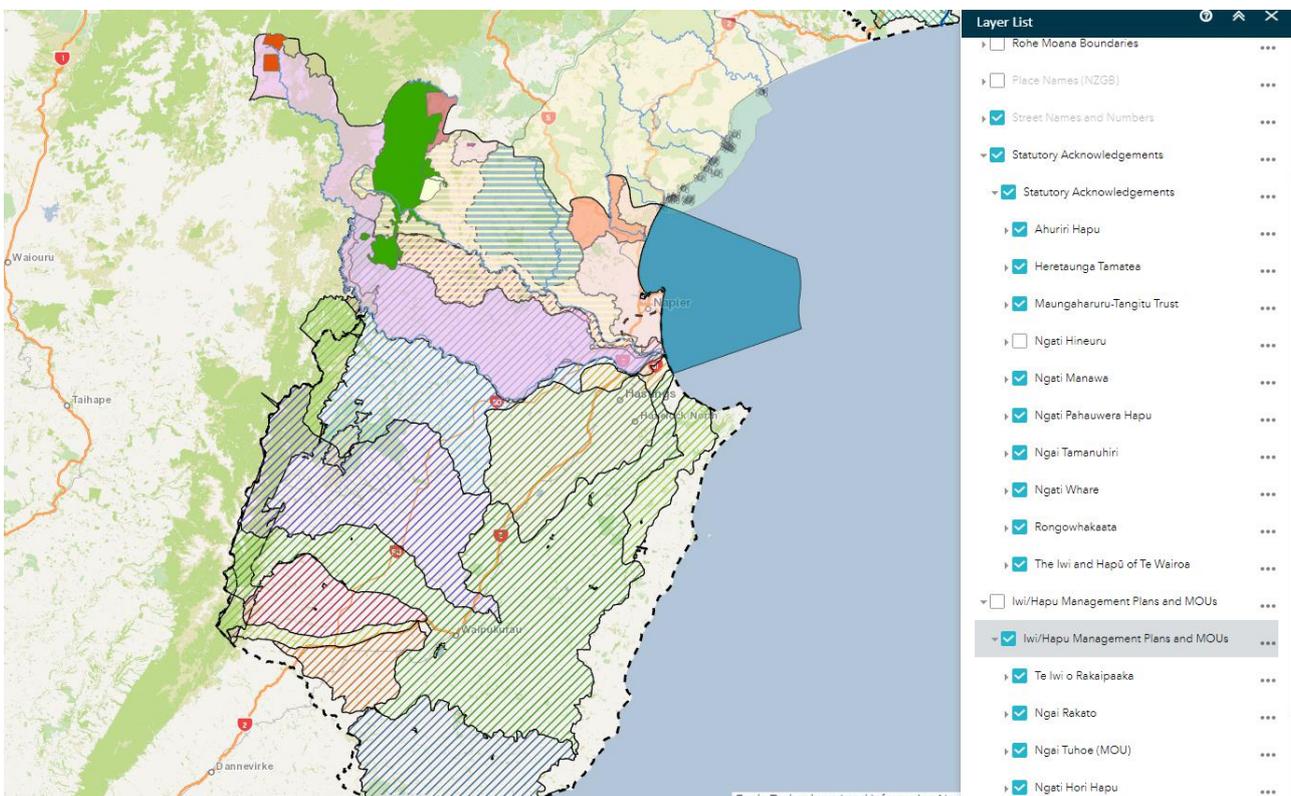


Figure 1: Statutory Acknowledgements

The Tūtaekurī River and their tributaries are identified as a Statutory Area under Schedule 3 of the Heretaunga Tamatea Claims Settlement Act (2018). The Statement of Association for the Tūtaekurī River states:

Tūtaekurī River

- *Tūtaekurī River and its tributaries within Heretaunga Tamatea area of interest Prior to the 1931 Napier earthquake, the Tūtaekurī River flowed into the southern end of Te Whanganui a Orotu (Napier inner harbour). The river mouth area provided a rich source of shellfish varieties including tuangi, pipi, pupu and kuku. In times of flooding the river formed another*

course which ran down the Korokipo lowlands and along the southern side of the Rahuiroa hills. The Tūtaekurī river takes its name from an incident that occurred when Hikawera, a son of Te Whatuiapiti, came to the aid of a starving party of travellers. He ordered 70 dogs be prepared to feed the hungry wanderers. The place where this occurred became known as Te Umukurī. The offal was thrown into the river hence the name Tūtaekurī. Hikawera had a pā at Waiohiki on the Tūtaekurī.

- The Tūtaekurī River provided a major access-way into the interior toward the Ruahine Range. Over the years, a string of pā were built alongside the banks of the Tūtaekurī River, including:
 - Tahunamoā – located on the south side of the Tūtaekurī River around Waiohiki. This pā was built by Taraia and the famous whare, Te Raroakiaki, was found here;
 - Takutaioaterangi - where Te Whatuiapiti won an important victory; and
 - Ōueroa – a pā established by Te Rangitaumaha, son of Taraia, which was located on directly above Te Umukurī. Te Huhuti was raised here
 - and this was where she left on her famous journey to Te Roto-a-Tara on her quest to gain Te Whatuiapiti as her husband.
- The inhabitants of the river side pā drew resources from the river and the associated wetland areas. These resources included inanga, ngaore, and kākahi and food such as kōareare and pungapunga from raupō plants.

The Heretaunga Tamatea Claims Settlement Trust were invited to participate in the TFG process and representatives from Kohupātiki Marae have engaged directly through the TFG process as outlined in section 19 of the AEE. It is considered that through consultation with the Heretaunga Tamatea Claims Settlement Trust and the proposed consent conditions, the Heretaunga Tamatea Claims Settlement Act has been adequately accommodated.

10. MARINE AND COASTAL AREA ACT / TAKUTAI MOANA ACT 2012

Under the Marine & Coastal Area Act – Takutai Moana⁴ (MACAA) applicants must consult with customary marine title groups. The consent applications lie outside of the coastal marine area but do lie within the coastal margin noting that residual contaminants from the discharges will reach the CMA. It is considered that the MACAA is not applicable and the engagement by the applicant with MACAA groups is sufficient.

11. CLIMATE CHANGE

In June 2019 HBRC declared a climate change emergency and climate change impacts are already being felt in Aotearoa and abroad therefore scrutiny on this matter is considered prudent.

The proposed Natural and Built Environments Act (NBEA) will be the main replacement for the RMA once enacted. In accordance with the Climate Change Response (Zero Carbon) Amendment Act 2019 (“Zero Carbon Act”), the NBA will require greenhouse gas (GHG) assessments and reductions from asset owners and applicants.

As noted on the MfE website⁵:

National Environment Standard (NES) and National Policy Statement (NPS) will set out nationally consistent policies, rules and requirements. These will guide regional councils making decisions on industrial GHG emissions. National policies and rules are in development that will achieve emission reductions by:

⁴ <https://www.justice.govt.nz/maori-land-treaty/marine-and-coastal-area/applications/hawkes-bay-region/>

⁵ <https://environment.govt.nz/acts-and-regulations/regulations/discharge-to-air-of-greenhouse-gases/>

- *prohibiting discharges from new low and medium temperature coal boilers*
- *phasing out already installed low and medium temperature coal boilers by prohibiting discharges after 2037*
- *requiring resource consent for new and existing fossil fuel boilers that emit above a specified tonnage of CO₂-e per year*
- *requiring consent holders to prepare Greenhouse Gas Emission Plans and to apply the best practicable option to their discharging activities.*

Cabinet has approved a delay in the enactment of climate change amendments to the RMA from 31 December 2021 to 30 November 2022. These amendments include sections 17 to 21, 35 and 36 of the Resource Management Amendment Act 2020. The amendments will repeal sections 70A, 70B, 104E and 104F of the RMA that limit the circumstances in which:

- *Regional councils may have regard to the effects of discharges into air of greenhouse gases on climate change in making rules to control the discharges of GHGs.*
- *Consent authorities may have regard to the effects of discharges into air of GHGs on climate change in considering an application for a discharge permit or coastal permit.*

In line with the Acts mentioned above and the likely future changes, Ravensdown already has a GHG reduction plan and is implementing actions to work towards net zero emissions by 2050. The New Zealand emissions reduction plan (ERP) which was released in May 2022 will need to be taken account and future revisions. It is recommended that an annual review of the consent is provided for to bring the consent in line with any new Zero Carbon Act requirements. After 30 November 2022, Ravensdown may need to apply for resource consents for GHG discharges from the diesel boilers (direct GHG i.e. CO₂) and perhaps the stack(s) (indirect GHG i.e. SO₂) and any other GHG that are captured under the upcoming RMA and other Acts changes.

Other non-RMA climate change matters that I suggest are considered:

- Ravensdown propose to construct new assets that will have embodied GHG/carbon emissions e.g. from internal combustion engine vehicles and fossil fuelled machinery used to build the new HARP, bioreactor and treatment wetland as well as from the materials in these assets (concrete etc).
- Ravensdown should investigate methods of reducing the embodied carbon footprint of building these new assets (e.g. use of hybrid diggers, using the electrical grid rather than diesel generators, low carbon concrete and optimising the construction vehicles and diggers to the construction footprint).
- Once built, over time, the proposed new wetlands may release GHG emissions (i.e. methane and nitrous oxide⁶). The design and operation of the assets should also look to reduce operational GHG emissions.
- Moreover, the design and operation of all assets, especially the proposed HARP needs to consider the future impacts of climate change e.g. future proofing the HARP as a freshwater wetland and protecting it from coastal inundation.

12. CONSIDERATION OF SUBMISSIONS

I have read and considered all submissions and listened to submitters at the pre-hearing meetings. A response from the applicant to submitters was originally provided in June 2022. Since this response was sent to submitter's the proposed consent conditions have been updated on numerous occasions including after listening to submitter's concerns at the pre-hearing meetings and have largely address all submitters concerns. Consideration of submitter points that warrant further comment by the reporting officer and outstanding submitter issues is provided below:

⁶ <https://wetlandinfo.des.qld.gov.au/wetlands/management/treatment-systems/for-agriculture/treatment-sys-nav-page/bioreactors/design-summary.html>

Abbey Pearson

Ms Pearson opposes the proposed discharge to waterbodies. The proposed activities will meet the TANK water quality targets therefore it is considered that Ms Pearson's concerns are largely addressed.

Forest and Bird

Submission	Officer's Comment
Support HARP	Agreed.
Ponds close to Waikahu Wetland which may be impacted in extreme weather events if compromised therefore effecting native birds and inanga spawning sites.	The design caters for a reasonable AEP/ARI. Any future effects from climate change extreme events can be reviewed by way of S128/132 (RMA) reviews. Any new infrastructure (HARP etc) should be future proofed to cater for current climate change predictions as per standard engineering practice.
Potential adverse (cumulative) effects of historical and ongoing discharges from Ravensdown and other activities to the river and land.	HARP compensates these effects.
Require source control and reduction of pollution (dilution is not the solution)	Agreed. SCMP largely deals with this. Noted that groundwater take and use could be perceived as being used for dilution but it is understood that the HARP planned to be a freshwater wetland and therefore requires the bore water. The consent holder should not rely on the bore water for dilution and should indeed be adding sufficient pre-treatment and treatment.
Prefer land discharge over discharge to water	Agreed. The intent is to maximise the discharge to land and minimise the discharge to water.
Concern the land discharge location is not suitable	Disagree. Land experts are comfortable with the site.
Proposal does not consider higher rainfall / extreme weather events due to climate change and associated effects on capacity for land discharge.	Agree. Climate change review clause added.
Conditions to stop discharge with 85% soil moisture doesn't stop contaminants already discharged to land being transported into surface or groundwater.	Disagree. Land experts are comfortable with the assessment.
Inappropriate to continue to discharge process or other factory related water to river / estuary.	Disagree. Community agreed water quality TANK targets have been set within the consent.
Water from dewatering activities may be contaminated - should be tested and treated.	Agreed in part – this is covered by condition 3 of the CEMP dewatering discharge consent.
Potential additional [future] treatments may result in discharge to Estuary instead of to land.	The intent is to maximise the discharge to land and minimise the discharge to water.
Forest & Bird considers that a 10 year consent duration would be appropriate for the discharge consents. This is on the basis that: <ul style="list-style-type: none"> • it is sufficient time to demonstrate that Stage 2 improvements are effective or not. • New technologies may become available which could appropriately be considered through consent application process. • The effects of climate change may mean that significant changes are required to continue or close the activity at this location. • does not properly reflect uncertainty of climate impacts, 	I disagree, 35 years is appropriate, refer below. S128 / 132 (RMA) review conditions deal with these concerns.

<p>does not leave room for resilience in the natural ecosystem or the possibility that changes may need to be made over that timeframe. • A duration of this long effectively preempts and ignores the changing regulatory environment.</p>	
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LegaSea:

- Wish for a consent duration for the longer-term consents to be 15 or 20 years opposed to 35 years. In my opinion, based on the future effects, HARP, regional plans and case law, there is no reason not to grant the consents for 35 years.
- Wish for a 60% - 80% cap on the volume of stormwater discharged to water. I addressed this at the pre-hearing meeting noting that such conditions are uncommon on stormwater consents due to seasonality and due to stormwater systems being designed to cater for the 'size' of a storm event. Having subsequently conferred with our land expert, it is considered that the proposed consent conditions are adequate with the intent to discharge as much as possible to land before resorting to a discharge to water only when soil moisture conditions dictate.
- Noted concerns about if the irrigation system was faulty or otherwise there would be a discharge to water that may occur for a significant time period. The applicant's proffered condition addresses this matter: *"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."*

Duncan Darroch, Fred Sugden and Elliott Morgan (and Madison Milley):

- Share similar views and do not wish for a discharge to land and water due to the potential impacts from contaminants and wish for a much higher level of treatment. Whilst I agree that providing a much higher level of treatment would be even more of a 'win' for the environment, the RMA allows for such effects on the environment and the experts agree that such effects are tolerable and no more than minor therefore consent may be granted. The discharge to land utilises nutrients within the site waste stream through the proposed cut and carry scheme which I consider a being reasonable and sustainable alternative to the submitters preferred discharge to the ocean.

Hawke's Bay District Health Board:

- Reynold Ball's email (25/10/2022) wishes for further strengthening of the BPO and technology review conditions. Whilst I agree with the good intent of the request, in my opinion, this request goes further than what the RMA and regional plans require. Therefore no further amendments to these conditions are required other than the recent final change made by the applicant to the review condition which I collaborated with the applicant on.

Ngāti Pārau Hapū Trust

A letter received from Ngāti Pārau Hapū Trust (28 October 2022) states:

"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."

Aki Paipper (Kohupatiki Marae)

Aki Paipper’s submission “*supports the submission of Ngāti Kahungunu Iwi Incorporated and as such the specific parts of their submission are in accordance with those outlined in their submission*”.

Margie McGuire (Kohupatiki Marae)

Margie McGuire’s submission “*supports the submission of Ngāti Kahungunu Iwi Incorporated and as such the specific parts of their submission are in accordance with those outlined in their submission*”.

Aramanu Ropiha (Ngāti Kahungunu te Iwi & Waipatu, Matahiwi, Houngarea ngā marae)

Aramanu Ropih’as submission covered:

- Consultation and engagement with Mana whenua.
- The opportunity to lead with Mana whenua
- Time and technology
- Cultural outcomes including mauri enhancement

Since the submission was received further engagement by the applicant with Ms Ropiha has occurred. The recommended consent conditions now largely reflect Ms Ropiha’s submission, and a ‘mauri’ enhancement clause being added.

Kahungunu ki Te Matau a Māui (Jenny Mauger)

The Kahungunu ki Te Matau a Māui submission oppose and reserve support until recommendations and relevant conditions are incorporated, and supports the submissions of

- Aramanu Ropiha
- Ngāti Paarau
- Ngāti Kahungunu Iwi Inc

Since the submission was received further engagement by the applicant with Ms Mauger has occurred. The recommended consent conditions now largely reflect Ms Mauger’s submission. Notably a ‘mauri’ enhancement clause and ecological abundance monitoring has been added among other matters relevant to Ms Mauger’s submission.

Ngāti Kahungunu Iwi Incorporated

Submission	Officer’s Comment
<p>Ravensdown gives effect to Te Mana o Te Wai by putting the mauri and health of the various waterbodies (wahapu (estuary) and connected tributaries and groundwater) first, which in this case means providing for the raNgātiratanga and kaitiakitanga of mana whenua of the waterbodies, including;</p> <p>a. reviewing the length of the zone of reasonable mixing where the discharge to water (the Waitangi waterway) occurs such that it includes the “Ravensdown Drain” or following the creation of a wetland that this zone is as small as reasonably practicable.</p>	<p>It is understood that this mixing zone matter has been largely resolved through discussions and email exchanges in October 2022 however confirmation from Mr Smith is required.</p>
<p>The consent is declined unless consent conditions acknowledge mana whenua values, rights and responsibilities and demonstrate how the proposal provides for the rangātiratanga and kaitiakitanga of mana whenua, including:</p> <p>a. A consent condition that outlines the overarching principles and bodies responsible for guiding the implementation of the resource consents including principles for engagement with mana whenua and outcomes sought for the environment, including giving effect to Te Mana o Te Wai.</p>	<p>It is considered that these matters have been largely accommodated in the consent conditions noting that giving effect to Te Mana o Te Wai could be added to</p>

<p>b. A consent condition that provides for a mana whenua working group to facilitate ongoing direct engagement between mana whenua and Ravensdown in relation to the proposed consented activities, and to assist decision making around the review, operation and management of the proposed discharges to air, land and water, water takes and vegetation clearance including preparation of system review reports, environmental monitoring and enhancement plans, including Mauri (or proxies of Mauri) monitoring and implementation of recommendations from the reports submitted as part of the applications “Whataangaanga and Surrounds; Cultural Values, Names and Associations, November 2021” and “Ravensdown Napier Resource Consent Renewal Cultural Impact Assessment, Ngāti Pārau Hāpu, November 2021”.</p> <p>c. A consent condition that provides for a body representing tangata whenua, with invitations from the consent holder to Ngāti Kahungunu Iwi Incorporated, Te Taiwhenua o Heretaunga, Te Taiwhenua o Te Whanganui a Orotu, Ngāti Parau Trust, Kohupatiki Marae whose purpose will be to represent tangata whenua interests when nominating members to the mana whenua working group.</p>	<p>strengthen the consent (refer to Section 15.1 below).</p>
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Conclusion on submissions

In summary as noted above and below in Section 15.1, it appears that through the applicant’s engagement with these groups, their concerns have been largely resolved.

13. RMA STATUTORY CONSIDERATIONS

13.1 S104 and Part II

Section 104 of the Act sets out the matters to be considered when assessing a consent application. There are no particular statutory matters raised which have not already been addressed in the assessment above or in the AEE’s. Exercising the consent will be consistent with Part II of the Act and the relevant plans and policies. In regard to the gateway test / S104D assessment undertaken by the applicant, I agree with the conclusion that there is a pathway to consent because the proposed activities are not contrary to the relevant plans objectives and policies.

13.2 S95 RMA Notification Assessment Summary

A S95 (RMA) assessment was undertaken by a HBRC consent planner and as requested by the applicant, the applications were publicly notified. The submissions period was 20 January 2022 to 18 February 2022. The full S95 (RMA) assessment and list of notified persons is available from HBRC.

14. CONSENT DURATION

The applicant has requested a 35-year consent duration for the proposed groundwater take from the wells and long-term discharge consents and 10-year duration for the short-term enabling, upgrade and HARP consents and stated:

- *“In consideration of the granting of 35-year consents Ravensdown is proffering an extensive programme of new works and conditions. This will enable the preferential*

discharge of treated stormwater and process water to land via irrigation, and will require that after reasonable mixing all discharges of water that need to be made to the Waitangi Estuary comply with the discharge standard expectations of the TANK plan change within six years of consents commencing.”

- *“The replacement asset value of the Ravensdown operations at Awatoto is approximately \$242 million”*
- *“The capital cost of the proposed improvement works, including the HARP, is estimated to be in the order of \$10 million over 6 years”*

The RRMP and RCEP provide guidance and generally allow for consent durations of 20 to 35 years unless:

(a) The activity has a duration of less than 20 years, in which case a consent will be granted for the duration of the activity.

(b) There is a need to align the consent expiry date with others, in order that the cumulative effects of activities can be considered through a common consent renewal process.

(c) The consent is for the allocation of gravel or another resource whose availability changes over time in an unpredictable manner.

(d) The type of activity has effects that are unknown or potentially significant for the locality in which it is undertaken.

Clause a and c are not relevant except for the enabling and upgrade works consents.

In regard to clause b, the proposed groundwater take (from the wells) can be aligned with the Napier-Meeanee expiry dates and this could be achieved through S128/132 (RMA) reviews.

In regard to guidance d, it is considered that the proposed activities effects are known and are likely to be no more than minor. Any potential impacts from climate change can be dealt with in due course through the consent condition triggers or the review conditions.

For the proposed groundwater takes from the wells Schedule 33 is relevant:

Water Permit Expiry Dates Refer to Policy 45 and Rules TANK 9 - 11. The Council will consider the following Schedule when determining the duration of any permit to take and use water. Where appropriate, the duration of the consent will be consistent with the next common expiry date for the relevant water management as shown in this Schedule. If an application is made up to three years before the next due date for the relevant zone, the Council may issue the permit for the following expiry date...

The location of the wells is within the Napier/Meeanee groundwater management area. The current common expiry date is 2027 and the next expiry dates are 2042 and 2057. As noted above, Schedule 33 references TANK Policy 45:

When assessing applications to take water the Council will;

a) provide that the abstraction of water that has been taken at times of high flow and stored and released for subsequent use, is not subject to allocation limits;

b) require water meters to be installed for all water takes authorised by a water permit and water use to be recorded and reported via telemetry provided that telemetry will not normally be required where the consented rate of take is less than 5l/sec or where there are technical limitations to its installation;

c) ensure water allocation from tributaries is accounted for within the total allocation limit for the relevant zone and that the total abstraction from any tributary does not exceed 30% of the MALF for that tributary unless otherwise specified in Schedule 31;

d) offset the stream depletion effects of any groundwater takes in Zone 1, that were not previously considered stream depleting, by managing them as if they were in the Heretaunga Plains Water Management Unit; and (i) require contributions to an applicable lowland stream enhancement programme at a rate equivalent to the stream depletion effect consistent with Policy 39; or (ii) require the water take to cease when the minimum flow for the affected river is reached if a permit holder does not contribute under clause (i) where there is an applicable lowland stream enhancement; and (iii) allow further technical assessments to determine the extent of stream depletion effect...

As assessed by the applicant, the proposal is not contrary to TANK Policy 45 which I agree with. I have considered submitters views on consent duration and understand their concerns as raised at the pre-hearing meetings. I consider that the robust consent framework is sufficient and deals with all submitter concerns. I note that Ngāti Pārau Hapū Trust are comfortable with the granting of these consents for a 35-year term. I have considered the recent Environment Court decision for the Pan Pac Forest Products Limited (Decision no. [2019] NZEnvc 114). This consent application was for an “industrial” discharge to the Coastal Marine Area (CMA) and included a similar approach to mana whenua consultation, environmental compensation and funding and technology review consent conditions. I have also considered the latest HBRC compliance reports and enforcement actions.

On balance, given the relevant case law, expected effects of the activity, ability to review the consent annually and consent management framework including technological reviews, HARP funding, existing capital value and future upgrades capital spend, and certainty required for investment, I consider a 35-year consent duration is reasonable and justified for the long term consents (air discharge, groundwater takes from site bores and staged discharges to land and water) and 10 years for the enabling, upgrade and HARP consents is justified to accommodate the construction program for the new assets and unforeseen delays.

15. CONSENT CONDITIONS, MONITORING AND MANAGEMENT PLANS

15.1 Consent Conditions

The reporting officer has collaborated with the applicant’s planners and technical experts and all consent conditions have been agreed. The consent conditions are attached in Appendix 1 and are in the Mitchell Daysh Limited company format with track changes to show progress and for consistency. In due course, the consents will be formatted into HBRC templates with each consent having its own stand-alone document. As noted in the recommended consents page one second bullet point, condition 1 (as per the current consents) will be added back into all consents (where relevant):

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.

At the time of writing this report, final commentary from the submitters and mana whenua groups has yet to be received. Nevertheless with the addition of the HARP and the proposed consent conditions it appears that effects on mana whenua values have been adequately mitigated and the ongoing mana whenua recognition and participation largely address mana whenua submitter concerns and the outcomes sought in the CIAs.

As I noted in the pre-hearing meeting, to strengthen the consent conditions some suggestions are:

1. Under the Water Discharge Hierarchy, adding an advice note that states the intent is to maximise the discharge to land and minimise the discharge to water may make this clearer for compliance officers and alleviate concerns from submitters.
2. Mr Smith (Ngāti Kahungunu Iwi Incorporated) noted concerns at the pre-hearing around past accidental discharges (from the stormwater system) to the Waitangi Waterway occurring due to construction works on site. Standard “training and education program for staff” consent conditions from similar consents (adapted to fit for Ravensdown) could be added noting that it is understood that staff already undertake training in site management etc.
3. A number of submitters have mentioned the need for Te Mana o Te Wai to be given effect to. An overarching Te Mana o Te Wai consent condition could be added that states the consent holder “*must give effect to Te Mana o Te Wai*”. Refer to the preamble in a recently granted HBRC consent:
<https://www.hbrc.govt.nz/assets/Document-Library/Consents/Gravels-decision/AUTH-123452-01-AUTH-123458-01-Tutaekuri.pdf>

15.2 Monitoring by Consent Holder

Refer to the attached consents.

15.3 Monitoring by Council

Routine monitoring inspections will be undertaken by Council officers on at least one occasion each year. The costs of **any** routine monitoring will be charged to the consent holder in accordance with the Council’s Annual Plan of the time.

16. CONCLUSION & RECOMMENDATION

It is concluded that:

- a) It is expected that the proposed activities will have adverse effects on the environment that will be no more than minor, with potential more than minor adverse effects on cultural values for the ongoing discharges to surface water noting that these are sporadic and of a short duration. All adverse effects can be adequately addressed through the recommended consent conditions and the proposed HARP will have positive effects; and
- b) The proposed activity is consistent with the requirements of the RMA and relevant Regional Council plans and policy, NPS, NES and Regulations.

It is recommended that long term consents be granted as attached for a 35-year duration and the related enabling, HARP and upgrade consents be for a 10-year duration.

Recommending Officer



Sven Exeter
Consultant Planner
 FOR THE RESOURCE MANAGEMENT GROUP
 31 October 2022

Recommendation Confirmed



Malcolm Miller
Manager Consents
 RESOURCE MANAGEMENT GROUP
 31 October 2022

APPENDIX 1: Recommended Consents – Track Changed

*Ravensdown Ltd, Napier Works Sustainable Site Project - Proposed Conditions, October 2022
Prepared following further expert conferencing and planners discussion where agreed by
consent holder.*

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

Updated 28 October 2022

- Underline / ~~Strikethrough~~ and associated comments - as agreed between S Exeter, S Daysh and A Anderson (25 Oct 2022) and following further technical discussions between experts.
- HBRC to add standard council "Condition 1" where appropriate.

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. 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. 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. 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. All bulk materials stored on site shall be kept inside a building.
5. 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. 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. 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. 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.

- b) 0.5 kg/hr for at least 50% of the monitored 1-hour averages in any 3 month period.
9. The discharge from the acid plant may contain up to 150 milligrams per cubic metre (mg/m^3) at NTP SO_3 / H_2SO_4 expressed as SO_3 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. 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. 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. 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. Except as allowed for by Condition 10 the Acid plant discharge shall cease within 30 minutes of the above meteorological conditions identified in Condition 12 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. A system shall be maintained that automatically shuts off the sulphur feed to the burner so that the discharge to air rate of SO_2 from the sulphuric acid production process does not exceed the emission rates set out in Condition 7.

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

15-17. 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 cowling, of no less than 50 metres above ground level as measured from the base of the stack.

16-18. 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.

17-19. 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.

18-20. 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 29-31 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.

19-21. The sum of the fluoride compounds discharged from the combined manufacturing stack (after commissioning) measured in the samples taken in accordance with condition 29-31 expressed as fluoride on a one hour average basis, shall not exceed a maximum discharge rate of 1 kg/hr.

20-22. 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.

21-23. As part of the annual vegetation monitoring programme undertaken under condition 46-48 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

Commented [AA1]: 25 Oct 22 - added following discussion with Richard Chilton, Andrew Curtis and Andrew Torrens to replicate current consent condition.

Commented [AA2]: 25 Oct 22 - added on agreement by S Exeter, S Daysh and A Anderson to reflect current consent condition.

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Prepared following further expert conferencing and planners discussion where agreed by consent holder.

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 ~~29~~ 22 above to correspond with the new flowering period.

~~22-24.~~ 22-24. 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

~~23-25.~~ 23-25. 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 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

~~24-26.~~ 24-26. 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

~~25-27.~~ 25-27. 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.

~~26-28.~~ 26-28. 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.

~~27-29.~~ 27-29. 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.

~~28-30.~~ 28-30. 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.

~~29-31.~~ 29-31. 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.

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30-32. 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 **3032(b)** above or at such further reduced frequency as the Council may agree in writing

Commented [AA3]: 18 Oct 22 - Changed to fortnightly on agreement of Andrew Curtis, Richard Chilton and Andrew Torrens following technical discussions and review of data.

31-33. 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.

32-34. 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.

33-35. 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.

34-36. 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.

35-37. 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

36-38. The consent holder shall measure ambient fluoride, in accordance with the monitoring plan required by condition **50-55** and based on a continuous filter exposure period of 7-days. The results shall be reported as average concentration ($\mu\text{g}/\text{m}^3$) over that 7-day sample period. Measurements shall be taken at the following sites, listed below;

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

~~37-39.~~ 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 approval of the Council. The concentration of fluoride in ambient air measured in accordance with condition ~~34-38~~ shall not exceed 0.8 µg/m³ (7 day average) at areas used for horticultural production (including Brookfields Orchard and Plumpton Park (locations as detailed in condition 34).

~~38-40.~~ The 7-day average concentration of fluoride measured at the Ravensdown Back Paddock and ~~[new northern site]~~ monitoring site (location as detailed in condition ~~3438~~), shall not exceed 1.7 µg/m³.

~~39-41.~~ The 7-day average concentration of fluoride measured at the Ravensdown Front Paddock and ~~[new eastern site]~~ monitoring sites (locations as detailed in condition ~~3438~~), shall not exceed 5.5 µg/ m³.

~~40-42.~~ 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.

~~41-43.~~ Ambient fluoride measurement undertaken in accordance with condition ~~34-38~~ shall occur at a height of 2.4 metres above ground level.

~~42-44.~~ Fugitive SO₂ monitoring:

- a) The consent holder shall install and operate at least two ambient SO₂ monitors around the acid plant in order to detect fugitive SO₂ emissions. The monitoring sites shall be located east of Ravensdown Napier Works, and at the Ravensdown Back Paddock monitoring site as described in condition ~~34-38~~ and shall be agreed in writing by the Council prior to establishment. The concentration of SO₂ 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 SO₂ measured at either of the monitoring sites described by condition ~~40-44~~ (a) exceed 350 µg/m³ as a 10-minute average, immediate action shall be taken to ensure that measured SO₂ concentrations are reduced to less than 350 µg/m³ as a 10 minute average. A record shall be kept of all occurrences when

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measured SO₂ 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 SO₂ shall be reported as soon as practicable after detection.

43-45. Concentrations of PM_{2.5} and PM₁₀ 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 34-38 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 PM_{2.5} and PM₁₀ shall be reported as soon as practicable after detection.

44-46. 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 calibration requirements for the instruments are to be set out in the monitoring plan required condition 51-55 of this consent.

45-47. 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.

46-48. The consent holder shall undertake a vegetation monitoring programme that has been approved by the Council in accordance with the monitoring plan required condition 50-55 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

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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
<u>Control Site</u>	<u>Location to be defined in consultation with HBRC</u>	

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. The consent holder shall undertake monitoring of fluoride of unharvested forage as set out in 49(a) and (b) below. The results of sampling in 48(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).

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 49(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 49(a) shall be required.

ii. If there is a significant difference between the two sample sets set out in 49(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).

Commented [AA4]: 25 Oct 22 - Condition 49 and 50 added following discussion between J Shanks, I Milner and S Trolove.

Commented [AA5]: 28 Oct 22 - Changed from "June and August"

Commented [AA6]: 28 Oct 22 - Changed from " both the June and August"

Commented [AA7]: 28 Oct 22 - Changed from "in September and October of that year"

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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. The results of the monitoring set out in condition 49(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 49(a)(ii) and (b)(i) above.

Reporting

47-51. 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.

48-52. 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.

49-53. 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;
- 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.

50-54. 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.

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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

51-55. 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:

Management of:

- a) Dust including particulate;
- b) Sulphur dioxide;
- c) Acidic discharges;
- d) Fluoride;
- e) Odour;
- f) Sampling methods;
- g) Analytical methods;
- h) Reporting requirements;
- i) Sampling locations;
- j) Sampling frequencies; and
- k) Auditing and peer review.

Monitoring of:

- a) Manufacturing stack monitoring requirements;
- b) Acid plant stack monitoring requirements;
- c) Grinding mill stack monitoring requirements;
- d) Ambient SO₂, and particulate matter ~~and H₂S~~ monitoring;
- e) Offsite ambient fluoride monitoring requirements, and
- f) Offsite vegetation fluoride monitoring requirements.
- g) Dust deposition monitoring requirements along the Waitangi Waterway, Waitangi Road.

Commented [AA8]: 25 Oct 22 - Noted by S Exeter, typo as H2S monitoring no longer proposed to be undertaken. Agreed by S Daysh and A Anderson to remove

Technology Review

52-56. 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

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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

53-57. 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

54-58. 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

55-59. "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

56-60. 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

57-61. 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

58-62. 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:

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- 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 that are not put in place by the consent holder;

Commented [AA9]: 25 Oct 22 - Amended by S Daysh, S Exeter and A Anderson to clarify following email from Reynold Ball.

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).

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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 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

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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
17. ~~The Test~~ 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 ~~the~~ both the Land and Water Discharge Permits, following the Water Discharge Permit Consent.

Commented [AA10]: 25 Oct 22 - Typos amended

Commented [AA11]: 25 Oct 22 - Typos amended

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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 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).

APPENDIX 1

GENERAL CONDITIONS RELATING TO BOTH LAND AND WATER DISCHARGE PERMITS

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.

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).
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:

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- 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
 - 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.

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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

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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

² Based on unionised ammonia at pH8 and 20 deg C

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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
				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 Coastal Environment Plan
Nickel	N/A	0.196	0.343	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

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- 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

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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 **prepare 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).

Commented [AA12]: 25 Oct 22 - minor text changes as suggested by Shane Kelly and noted by A Anderson and S Daysh

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.

Adaptive Management Plan Reporting

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- k) 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;
 - 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

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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.
- 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.

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- e) To assist the consent holder in recruiting a suitably qualified and experienced Kaihāpai Taiao 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.
 - 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:

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- 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.

Commented [AA13]: 25 Oct 22 - Amended by S Daysh, S Exeter and A Anderson to clarify following email from Reynold Ball.

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

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

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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

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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

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4. Water meter(s) shall be installed to monitor the volumes associated with each use outlined in the Table in condition 3 above ~~(excepting the site base load)~~, 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%.
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.

Commented [AA14]: 25 Oct 22 - Amended following query from S Exeter as agreed to by S Daysh and A Anderson.

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consent holder.

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:
- 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.
 - 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.
 - 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:
- 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;
 - 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;
 - To modify any monitoring programme, or to require additional monitoring if there is evidence that current monitoring requirements are inappropriate, inaccurate or inadequate;

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- 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) (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

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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.

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consent holder.

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.

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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 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

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consent holder.

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

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.

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Prepared following further expert conferencing and planners discussion where agreed by
consent holder.

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

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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.
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

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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 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.

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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

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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 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 recurrence.
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;

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- 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.

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Hawke's Bay Regional Council Resource Consent Plans

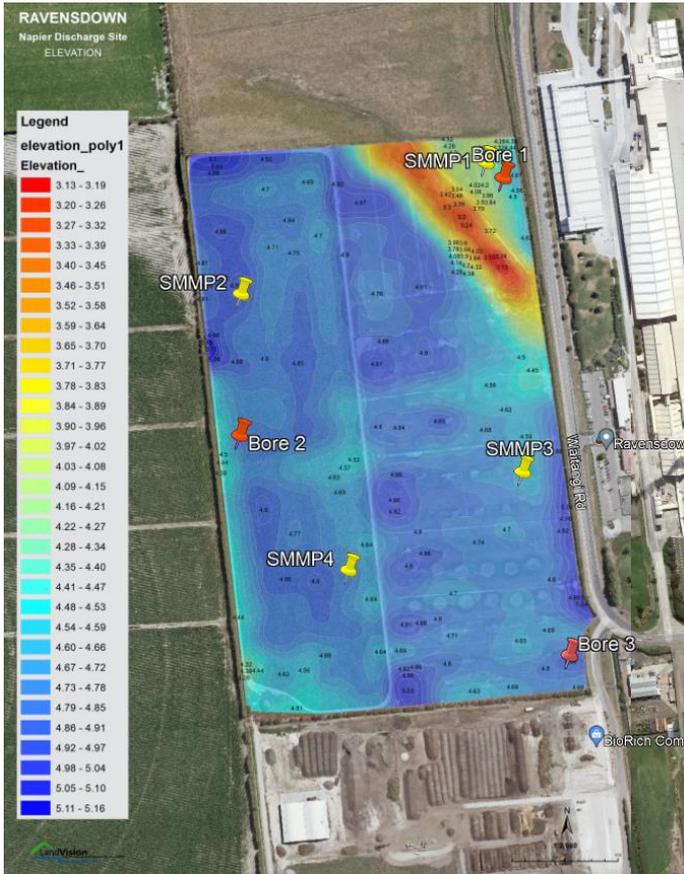
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Plan A – Ambient air monitoring locations

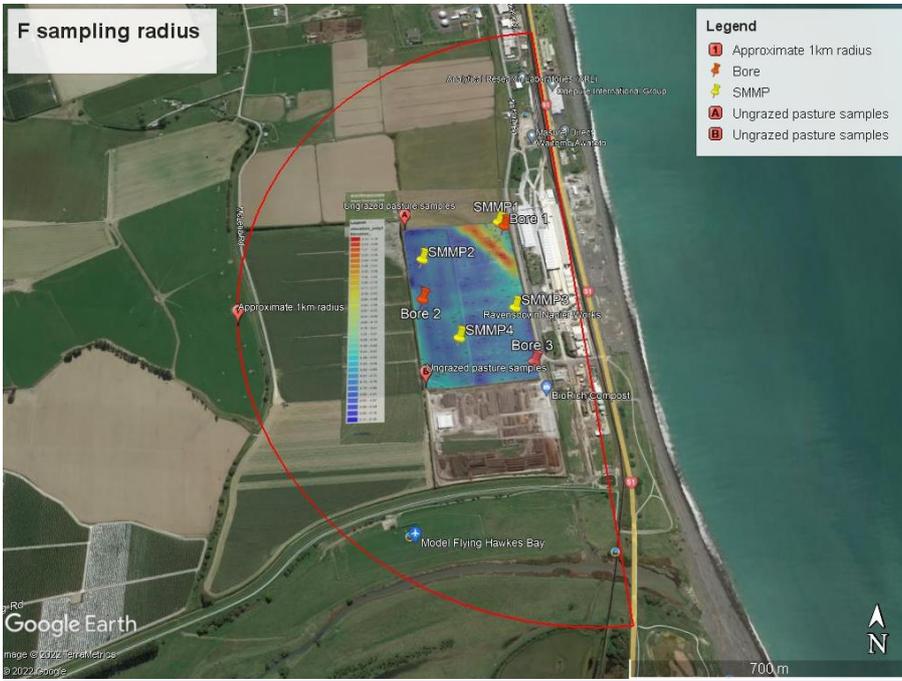


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Plan B – Land Discharge area, Soil Moisture Monitoring and Groundwater Monitoring Bore Locations



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

