

BEFORE THE HAWKE'S BAY REGIONAL COUNCIL

UNDER The Resource Management Act 1991 (RMA)

IN THE MATTER of an application by **RAVENSDOWN LIMITED** (Ravensdown) for new and replacement water and discharge permits for the operation of the Napier Works and the establishment of a habitat enhancement project.

**MINUTE OF CHAIR OF HEARINGS PANEL
REGARDING HEARING ARRANGEMENTS AND TIMETABLING**

Dated: 11 November 2022

Background

1. Further to my previous Minute dated 28 October 2022, the Panel has been advised that the only parties now seeking to be heard are:
 - (a) Ngāti Kahungunu Iwi Incorporated – on the issue of consent duration.¹
 - (b) Te Whatu Ora (Hawke’s Bay) – also on the issue of duration.
2. The Panel has also been advised by Mr Miller that the Royal Forest and Bird Protection Society has requested (of the applicant) certain amendments to the Revised Conditions,² which if agreed to may mean that this submitter would not wish to be heard, including on the issue of consent duration.
3. Further to paragraph 16 of the previous Minute, the Panel is proceeding on the basis that no other submitter will be heard, and that all other submitters are satisfied that the respective resource consents can be granted subject to the Revised Conditions.

Discussion

4. The Panel has conferred as to the appropriate procedure to be adopted in these circumstances, involving an application for a significant (albeit existing) activity located within the coastal environment, and with the applicant seeking a range of resource consents including for discharges to air, land and water.
5. While the substantive outstanding issue remaining for consideration is confined to duration, that in and of itself requires the Hearings Panel to be satisfied that all relevant effects are appropriately addressed through the Revised Conditions, such that granting the resource consents sought for the 35 year term proposed, would meet the statutory tests set including under s 104 of the RMA.
6. On the other hand, given that the remaining live issue is confined to duration, it is likely that the hearing could take place within less than one day,³ and that the evidence the parties are intending to produce would be relatively confined in scope.

¹ As advised on 4 November 2022, two working days later than had been directed in the previous Minute.

² As referenced at paragraph 3 of the previous Minute.

³ And potentially in half a day.

7. The Panel has also reflected on the content of the s 42A report and the Revised Conditions as filed by Ravensdown on 7 October 2022.
8. In this context, and regardless of what specific evidence (expert or otherwise) and/or submissions the applicant or those submitters still seeking to be heard intend to present or produce for the hearing, we record that we would be assisted by the following:
 - (a) An assessment of the application (as now advanced on the basis of the Revised Conditions) in the context of the most centrally relevant provisions of the planning instruments (through evidence or submissions),⁴ and
 - (b) Attendance at the hearing (in order to answer questions regarding the Revised Conditions as relate to or have a bearing on the issue of duration⁵), by the following experts:
 - (i) Dr Ngaire Phillips
 - (ii) Mr Richard Chilton
 - (iii) Dr Shane Kelly
 - (iv) Mr Andrew Curtis.
 - (v) At least one of the authors of the report “Ravensdown Stormwater and Process Water Discharge - Land Discharge Effects and Management” (November 2021).

Directions

9. In the circumstances just outlined, the Panel directs as follows:
 - (a) Applicant’s evidence on the issue of duration to be filed by 5.00 pm Wednesday, 16 November 2022.
 - (b) Submitter’s evidence⁶ to be filed by 5.00 pm Wednesday, 23 November 2022.

⁴ New Zealand Coastal Policy Statement 2010, National Policy Statement for Freshwater Management (2020), Regional Policy Statement, Regional Resource Management Plan, including as amended through Change 9 (Decisions Version), and as a supplement to the assessment of the statutory instruments in the s42A report.

⁵ For the avoidance of doubt, we do not require that these experts produce statements of evidence, unless otherwise intended by the applicant or in the context of the s 42A reporting.

⁶ From those parties still seeking to be heard as identified above, but again, for the avoidance of doubt, including the Royal Forest and Bird Protection Society assuming it does still seek to be heard on duration.

- (c) Hearing to commence at 9.00 am on Tuesday, 29 November 2022. Applicant and Council to ensure that the experts referred to above are present for the purpose of questioning by the Panel at the hearing.⁷

Dated: 11 November 2022



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Martin Williams
Chair of Hearings Panel

⁷ Remote appearances by audio visual link would be acceptable.