RM25.407.01 – Compliance review comments – SJ Allen Lauder

[redacted] – Senior Environmental Officer

23 October 2026

i. Are the current conditions of RM25.407.01 clear, certain and enforceable?

See table below for comments on the conditions.

Note: where there is no comment on a specific condition below, it is my opinion the condition is clear, certain and enforceable from a compliance perspective.

Condition	Comments - clear, certain and enforceable? / Appropriateness of the condition at avoiding, remedying, or mitigating adverse effects arising from the exercise of the consent
2.	Condition 1 of the consent permits the following waste type to be discharged to land "*other similar materials that when applied do not exceed Soil Eco-Guidelines Soil Limit, mg/kg (dry weight) as per Condition 7*". For example, geobag sludge from the Cromwell WWTP fits the description of this "other similar material" (ResourceConsents-842472334-38483). Condition 2 outlines the discharge volumes for the different waste types. However, there is no volume limit for "other similar materials". Therefore, it is not clear, certain or enforceable what the permitted volume of this material should be. In theory, as the compliance officer monitoring this consent, I would assume the volume would be equivalent to what the "other material" is similar to e.g. volume requirements of geobag sludge would be equivalent to volume requirements of waste activated sludge. However, this is unclear and may have the potential to result in differing environmental effects.
3.	Condition 3 contradicts Condition 2(a): • Condition 2(a) has a limit equivalent to "200 kg N/ha/year" • Condition 3 has a set limit of "600 kg/N/ha in any one application" Essentially, if the application was 500kg/N/ha, it would breach Condition 2(a), but not Condition 3. Therefore, it is unclear what the enforceable application limit is. It is highly unlikely the consent holder would ever apply 600 kg/N/ha in one application.
7.	It is unclear what "the soil" means, and where at the site the consent holder needs to test. It is unclear how we would assess compliance with the word "demonstrate" – essentially the consent holder could use any means or calculation to demonstrate this. To make the condition more enforceable, the condition could include the certain test type and guidelines the consent holder would use to demonstrate the impact of loading rates on soils.

	There is also no requirement for the consent holder to provide this demonstration to ORC, only sample results "*The Consent Holder must include the sampling results in the annual report required by Condition 23"*. To make the condition more clear, certain and enforceable, the certain test type, location of soils to test, and requirement to provide the "demonstration", and not just the sample results, could be provided to ORC. The frequency of five-yearly intervals could be run past a technical expert to determine if this duration is suitable at determining environmental effects.
9.	"*Waste Materials are not authorised to be discharged to land if the calculation for that material type required by Condition 7 shows the application will exceed one or more Trace Element/Heavy Metals in soils."* It is unclear what this calculation is, therefore, it is difficult to enforce this condition. It is unclear whether this condition is: 1. Intended to be interpreted as materials cannot exceed soil Eco-SGVs; or 2. Materials cannot cause loading rates to a depth of 200mm to exceed soil Eco-SGVs. If it is the former, then the first two samples of WAS are non-compliant as they exceed Eco-SGVs: • 02/10/2026 (ResourceConsents-842472334-38066): 135 mg/kg of copper exceeds Eco-SGV of 95 mg/kg; 340 mg/kg of zinc exceeds Eco-SGV of 180 mg/kg. • 5/6/2026 (ResourceConsents-842472334-34215): 138 mg/kg of copper exceeds Eco-SGV of 95 mg/kg. If it is the latter, it is unclear what calculation is required to determine these loading rates, and whether the consent holder should be providing these calculations to ORC with each round of sample results.
11.	There is no requirement for ORC to re-certify each update of the OMM. The only requirement is for the first submission of the OMM to be certified. Essentially, the consent holder could be adding/subtracting anything from the OMM in an update cycle and ORC has no say on whether this is acceptable at managing environmental effects.

	I would recommend an update to this condition, so that any update of the OMM needs to be provided to ORC compliance for review and certification, and that the site must only operate under the most recently certified OMM.
12 – 15	12-14: It is unclear what "*collect a sample of xx waste* ***every xx m³*** *of discharge* ***each year***" should be interpreted as. The wording of a m^3 frequency as well as "every year" is unclear for compliance whether this is an annual requirement or a volume requirement. 15: Condition 15 does not include the "every year" wording, although it is essentially asking for the same testing as Conditions 12-14. I recommend Conditions 12-15 be updated to have clear and consistent wording, potentially removing the "every year" wording as is it redundant if the volume requirement is already outlined.
18.	The wording of this condition is unclear and unenforceable. It reads as though it is a hybrid of two standard conditions? The first paragraph requires the system to be maintained in an efficient condition, however the second paragraph details information that should be provided to ORC (perhaps meant for the annual report?) This condition needs to be updated to reflect what the consent actually requires, either splitting the condition out into two conditions, or adding a requirement to provide the summary of malfunctions/complaints etc. to ORC.
19.	Condition 19 provides for an opportunity for *kā Rūnaka and the Consent Authority to review the Monitoring Summary Report*, however there is no requirement for these comments to be taken into account and incorporated into an updated OMM. Perhaps 19(c)ii could be updated to include that the updated OMM must consider these comments. 19(d) requires that WAS must be restricted to a max area of 50 ha for the following 12 months, if the monitoring report shows potential adverse effects. However, there is no requirement for a monitoring report the *next* year, so it is impossible to tell if any potential adverse effect is persisting and whether the consent holder should then continue limiting the WAS application to 50 ha/year. Perhaps this condition could be updated so that the monitoring report is required annually, to determine whether the WAS application area should continue to be restricted to 50 ha.

21.	The condition reads "*Should the samples exceed the baseline concentrations an assessment for any parameter and* ***show an increasing trend*** *for three consecutive samples…"* However, an increasing trend is not further defined and potentially unable to provide an indicator of environmental effects e.g. if two consecutive samples were significantly elevated and then the third sample was slightly less but still elevated (essentially not an increasing trend, as two samples went up but one went down), then this would not trigger the need for further sampling to be undertaken. To make this condition clear and certain, the wording could be updated to move away from an undefined "trend". A review of this condition by a technical expert could better define how to word the condition, considering there are no actual sampling limits.
22.	It is unclear what method/testing the consent holder needs to use to determine whether the exceedances are attributable to the activity and therefore unclear how compliance would enforce this condition. Perhaps this condition could be updated so that the specific testing or method is outlined, as well as stating the test needs to be undertaken independently.
23.	The condition refers to the "OMP" where it is actually the OMM – a minor correction could fix this. The final sentence "*All recommendations specified in the report and within scope of the consent must be implemented"* does not give a defined timeline, which makes it difficult to enforce from a compliance perspective. Perhaps the sentence could be updated to read "*All recommendations specified in the report and within scope of the consent must be implemented* ***within any timeframes specified in the report****".*
24.	There is no requirement for ORC to certify this plan. Therefore, essentially, the consent holder could submit a plan of any length of quality as long as it meets the Water NZ guidelines (2025). I recommend this condition be updated to have a requirement for the EMP/NMP (and any update) to be reviewed and certified by ORC compliance. This would provide ORC an opportunity to comment on whether the plan is sufficient at avoiding/mitigating/remedying environmental effects.

ii. Are the requirements of the OMM clear, certain, enforceable, and consistent with the conditions of the consent?

Overall, yes, the OMM requirements are consistent with the conditions of consent.

Minor details could be improved in the OMM to detail how the conditions will be complied with e.g. outlining how they will demarcate the ground surface of the required setbacks. However, these details can easily be added in an update to the OMM.

The monitoring programme is clearly outlined in the OMM. The consent holder has recently installed an upstream bore at the north-western end of the property. The OMM could be updated to include how the monitoring programme will include sampling from this upstream bore to determine compliance with Conditions 21- 22.

For ORC to determine the OMM is the most current version, and how it differs from previous versions, a table at the front end of the document should be added that outlines: the revision number, date, details and who the changes were prepared by.

The current, certified OMM was technically reviewed by Babbage Ltd 11 June 2026. The results of this review determined whether the proposed operational and monitoring measures in the OMM were sufficient to achieve compliance with the resource consent conditions in practice. The review provided recommendations on operations and monitoring. These recommendations were provided to the consent holder's consultant (Lowe Environmental Impact) to update the OMM. The OMM was then updated and provided to ORC (ResourceConsents-842472334-34662).

I prepared a memo outlining how the OMM met the consent Condition 11 requirements but did not address all the recommendations that came out of the review (ResourceConsents-842472334-34663).

The OMM was then certified by ORC Compliance Manager, Simon Wilson, without all these recommendations being implemented (ResourceConsents-842472334-34810).

To determine whether the measures in the OMM are sufficient at avoiding, remedying, or mitigating adverse effects on the environment arising from the exercise of the consent, it is my opinion that **further technical review of the OMM is needed**, as it is above and beyond the expertise of ORC compliance staff to determine this, and is outside of the scope of the initial OMM Babbage review. Any updated OMM should include all recommendations from the Babbage Technical Review dated 11 June 2026.

iii. To date, has the applicant been able to achieve compliance with all conditions of their consent? If not, please specify the reasons for non-compliance.

Many conditions are unable to be assessed at this stage, as not enough time has elapsed to be able to determine appropriate compliance e.g. 12-month monitoring report, annual report, five-yearly loading rate sampling. Additionally, only one waste type has been discharged at the site to date (WAS), therefore all conditions related to sampling other waste types are unable to be assessed.

All conditions that *can* be assessed to date are complaint, except for Condition 9 as further clarification is needed on how to assess compliance with this condition (see comments in table above).

iv. Would any mitigation measures detailed in the approved OMM be more appropriate as conditions of the consent?

All mitigation measures detailed in the OMM are requirements of the consent, as the consent holder must operate in accordance with the OMM at all times (Condition 11). Potentially the setback from the permitted water take (200 m) that is outlined in the OMM could be pulled into the consent. However, it is clearly outlined in the OMM in both the document's text (Section 3.2.5) and figures (Figure 3.2).