

**BEFORE THE PANEL**

**FTAA-2506-1074**

**IN THE MATTER**

of an application for approvals ("Application")  
under s42 of the Fast-track Approvals Act 2024  
("FTAA")

**AND**

**IN THE MATTER**

of the construction and operation of a structural  
steel manufacturing plant by Green Steel, being  
a project listed in Schedule 2 to the FTAA  
("Project")

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**APPLICANT'S RESPONSE TO MINUTES 6, 7 AND 9 OF THE  
PANEL- FURTHER INFORMATION REQUESTS**

**19 DECEMBER 2025**

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**G K Chappell  
Barrister**

**Foundry Chambers |**  
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## **MAY IT PLEASE THE PANEL:**

### **1. INTRODUCTION**

- 1.1 This memorandum, filed on behalf of National Green Steel Limited (“Green Steel”), responds to:
- a. Minute 6 of the Panel which seeks further information regarding the presence of wetlands and associated fauna on the proposed site;
  - b. Minute 7 of the Panel which seeks further information identified in the geotechnical, and erosion and sediment control peer reviews; and
  - c. Minute 9 which seeks further information in relation to the monofill peer review.

### **2. MINUTE 6 - WETLANDS**

#### **Background**

- 2.1 Two small areas on the site have been identified as potential wetlands with earthworks within these areas to result in the removal of wetlands totalling 48m<sup>2</sup>.
- 2.2 It is observed that the distinction between wetland and pasture is marginal, triggered by a small percentage of native grasses not present during the initial site assessment.<sup>1</sup>
- 2.3 Instead of undertaking detailed further investigations - as suggested by the Panel - to establish that animals adapted to wet conditions are not present, which would enable the areas to be managed as if they are not inland natural wetlands, the applicant proceeds on the basis that these areas qualify as “natural inland wetlands” under the National Policy Statement for Freshwater Management 2020 (“NPS-FM”)<sup>2</sup> and the National Environmental Standards for Freshwater (“NES-F”).

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<sup>1</sup> There is **no minimum size threshold** for a wetland to qualify as a “natural inland wetland” under the NPS-FM or NES-F. Even very small wetlands may trigger NES-F provisions if they meet the ecological criteria.

<sup>2</sup> As amended December 2025

2.4 Though not directly requested, in treating the areas as natural inland wetlands, it is anticipated that the Panel will require information about the applicant's obligations applying to the management of those areas.<sup>3</sup> To assist the Panel with its decision making, these submissions therefore address the pathway for this activity under the FTAA, RMA and relevant secondary legislation.

### **Legal framework - Discretionary activity**

2.5 Regulation 45B(2) of the NES-F provides for earthworks or land disturbance within a natural inland wetland as a discretionary activity if it is for the purpose of constructing a cleanfill area.

2.6 "Cleanfill area" has the meaning given in the National Planning Standards:<sup>4</sup> The National Planning Standards define a "cleanfill area" as "an area used exclusively for the disposal of cleanfill material."<sup>5</sup>

2.7 Cleanfill material:

means virgin excavated natural materials including clay, gravel, sand, soil and rock that are free of:

- (a) combustible, putrescible, degradable or leachable components;
- (b) hazardous substances and materials;
- (c) products and materials derived from hazardous waste treatment, stabilisation or disposal practices;
- (d) medical and veterinary wastes, asbestos, and radioactive substances;
- (e) contaminated soil and other contaminated materials; and
- (f) liquid wastes.

2.8 The earthworks proposed for the Green Steel site - being the excavation and relocation of virgin natural materials - fall within the definition of cleanfill material.<sup>6</sup> The definition of "cleanfill area" does not prescribe or anticipate any particular end use; rather it identifies land used exclusively for the

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<sup>3</sup> Refer to para [1] of the Minute.

<sup>4</sup> Reg 3 NES-F

<sup>5</sup> The Waikato Regional Plan definition of cleanfill is consistent with the definition in the National Planning Standards. Rule 5.2.5.5 – Controlled Activity Rule – Large Scale Cleanfill Disposal outside High Risk Locations - of the Regional Plan provides that cleanfill disposal outside high risk locations is a controlled activity, subject to meeting a series of standards. A wetland that is not an area of significant indigenous vegetation and / or significant habitat of indigenous fauna is not in a high risk location.

<sup>6</sup> Refer to Appendix Three – planning assessment at page 2 for a description of the activity.

disposal of cleanfill material for an undefined period before becoming available for another use. Such subsequent uses may include farming (eg grazing stock), recreational activities (eg sports fields) or, where properly engineered - as is proposed for the Project Site – development for buildings. Following completion of the cleanfill activity, there will be an interim period before the construction of the plant is commenced.

- 2.9 Accordingly, despite the final end use of the cleanfill area for part of the plant infrastructure, under reg 45B of the NES-F the activity can be assessed as a cleanfill area activity and processed as a discretionary activity.
- 2.10 For cleanfill activities the council must consider the matters set out in clause 3.22(1)(f) of the NPS-FM (replicated in the Waikato Regional Plan as Policy 3.A.2).
- 2.11 Managing the activity as falling within the cleanfill exemption aligns with the policy intent of clause 3.22(1), which recognises that certain essential, nationally significant or unavoidable infrastructure or land use functions may justify some loss of wetland extent, provided effects are consistently managed through the application of the EMH. For example, the exclusions listed such as renewable electricity generation, urban development in specific areas, quarrying and significant infrastructure share the common feature of delivering benefits that extend beyond localised gain.
- 2.12 There are two key parts to Clause 3.22(1) / Policy 3.A.2: the first is that the loss of extent of natural inland wetlands is to be avoided, their values protected, and their restoration protected, **except** where the loss of extent or values arises from excluded activities, (including constructing a cleanfill area). In the case of a new cleanfill area, the second part of the policy requires the council to be satisfied that:
- a. the loss of extent of wetland is necessary for the purposes of constructing the new cleanfill area;
  - b. the cleanfill area will provide significant national or regional benefits;<sup>7</sup>

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<sup>7</sup> There are a number of alternative tests but only one needs to be met.

- c. there is no practicable alternative location in the region or every other practicable alternative location in the region would have equal or greater adverse effects on a natural inland wetland; and
- d. the effects of the activity will be managed through applying the effects management hierarchy (“EMH”).

2.13 For this project, the construction of a new cleanfill area is a necessary functional precursor to the construction of the plant. The cleanfill area and the plant are inseparable for policy purposes: the cleanfill enables the plant, and the plant cannot proceed without the cleanfill. Accordingly, in this context, the assessment must be against the whole project, not just the cleanfill area.

2.14 Clause 3.22(3) of the NPS-FM requires that the regional council must make or change its regional plan to ensure that it does not grant a consent unless it is satisfied that:

- a. the applicant has demonstrated how each step of the EMH will be applied to any loss of extent or values of the wetland (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of: ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity values; and
- b. if aquatic offsetting or aquatic compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 6 and 7, and has had regard to the remaining principles in Appendix 6 and 7, as appropriate; and
- c. there are methods or measures that will ensure that the offsetting or compensation will be maintained and managed over time to achieve the conservation outcomes.

2.15 Any consent granted must be subject to:

- (i) conditions that apply the EMH; and
- (ii) a condition requiring monitoring of the wetland at a scale commensurate with the risk of the loss of extent or values of the wetland; and

- (iii) conditions that specify how the requirements in (ii) will be achieved.

- 2.16 Despite having incorporated clause 3.22 (1) of the NPS-FM as Policy A.3.2 into its regional plan, WRC has not yet incorporated parts 3.22 (2) – (4), (including subpart 3 referred to above).
- 2.17 The technical assessments undertaken in support of the activity against these criteria are addressed in more detail from paragraph 2.32 below.

### **Application of the effects management hierarchy**

- 2.18 The provisions of s104 of the RMA also require regard to be had to the relevant provisions of any national environmental standard, national policy statement or regional policy statement or regional plan.
- 2.19 As outlined above, the NES-F sets the rules for the management of wetlands.
- 2.20 The EMH is defined in clause 3.21 of the NPS-FM. All resource consents applied for under the NES-F are to be assessed against the EMH which is applied sequentially in the following order:
  - a. Avoid adverse effects where practicable.
  - b. Minimise adverse effects where avoidance is not possible.
  - c. Remedy adverse effects where minimisation is not possible.
  - d. Where more than minor residual adverse effects cannot be avoided, minimised or remedied, aquatic offsetting is provided.
  - e. If aquatic offsetting is not possible, provide aquatic compensation.
  - f. If aquatic compensation is not appropriate the activity is avoided.

- 2.21 Aquatic offsetting is defined as:

means a measurable conservation outcome resulting from actions that are intended to:

- (a) redress any more than minor residual adverse effects on a wetland or river after all appropriate avoidance, minimisation, and remediation, measures have been sequentially applied; and

(b) achieve no net loss, and preferably a net gain, in the extent and values of the wetland or river, where:

(i) no net loss means that the measurable positive effects of actions match any loss of extent or values over space and time, taking into account the type and location of the wetland or river; and

(ii) net gain means that the measurable positive effects of actions exceed the point of no net loss.

2.22 The principles of aquatic offsetting are set out in Appendix 6 of the NPS-FM.

### **Legal framework – prohibited activity**

2.23 For completeness, in case the Panel rejects the application of the cleanfill exemption under Reg 45B of the NES-F, these submissions address the pathway for assessment of the proposal as if it were a prohibited activity. The submissions conclude that irrespective of whether the activity status is discretionary or prohibited, the Panel may apply the same assessment criteria.

2.24 Under the NES-F, earthworks are a prohibited activity where they result in the complete or partial drainage of all or part of a natural inland wetland where the earthworks do not have another status under any of regs 38 – 51.<sup>8</sup>

2.25 Despite the prohibited activity status under the NES-F, the FTAA authorises an applicant to seek approval of an activity that is a prohibited activity under the RMA (s42(5) FTAA). The matters for the Panel to consider in relation to an approval - that would otherwise be applied for under the RMA (and which includes a prohibited activity) - are those matters set out in clauses 17 to 22 of Schedule 5 (s81 FTAA).

2.26 Schedule 5, cl 17(1) sets out the matters the Panel must take into account. This includes the provisions of Parts 2, 3, 6, and 8 to 10 of the RMA that direct decision making on an application for a resource consent (but excluding section 104D of that Act). It is relevant that the purpose of the FTAA remains the matter to which the Panel must give the greatest weight when considering a consent application. This requirement must influence the context of its deliberations regarding what would otherwise be a prohibited activity.<sup>9</sup>

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<sup>8</sup> Reg 53 NES-F

<sup>9</sup> The same consideration applies to a discretionary activity.

- 2.27 Clauses 17(3) and (4) of Schedule 5 require that the Panel must take into account s87A(6) of the RMA, being a provision that would require a decision maker to decline an application for resource as a prohibited activity – but the Panel “must not treat the provision as requiring the Panel to decline the application the Panel is considering”.<sup>10</sup>
- 2.28 Clause 17(6) of Schedule 5 requires that the provisions of the RMA referred to above are to be read with all necessary modifications, including that a reference to a consent authority must be read as a reference to the Panel.
- 2.29 Having bundled the overall activity status of the Project as a non-complying activity for the purpose of the AEE, the legal submissions for the Applicant to the Panel Conference dated 2 October 2025, observed that under the FTAA the Panel can treat an application that would otherwise be for a non-complying activity under the RMA as if it were, in effect, a discretionary activity under ss 87A(4) and 104B (RMA).<sup>11</sup>
- 2.30 It is submitted that even if it is appropriate to apply the prohibited status provisions applying to wetlands, the overall structure of the FTAA, when overlain with the RMA regulations and policy, in effect anticipates that the assessment of a prohibited activity is to be treated as a discretionary activity. This is subject to taking into account that the activity would otherwise be prohibited.
- 2.31 When a statute requires a decision-maker to “take into account” a matter, particularly under the RMA, the courts require that the matter is considered thoughtfully and weighed, but it does not have to determine the outcome. The precise weight is for the decision-maker, and the obligation is less stringent than “have particular regard to” or “recognise and provide for”.<sup>12</sup> In practice, the fact that the activity is technically a prohibited activity under the NES-F is another matter that the Panel is to “have regard to” under s104 of the RMA.

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<sup>10</sup> FTAA Sched 5, cl 17(4)

<sup>11</sup> Sched 5, cl 17(1)(b)

<sup>12</sup> *Environmental Defence Society Inc v The New Zealand King Salmon Company Ltd* [2014] NZSC 38 at [127] and [204]; *New Zealand Transport Agency v Architectural Centre Inc* [2015] NZHC 1991 at [63] “The key point is that the decision-maker is free to attribute such weight as it thinks fit to the specified matter but can ultimately choose to reject the matter.”

### **Applying the provisions to a prohibited activity**

- 2.32 As noted above, Clause 3.22(1) NPS-FM / Policy 3.A.2 of the Regional Plan provide an exemption for wetland loss for certain activities including the construction or operation of a new landfill or cleanfill area.
- 2.33 If those exemptions are not applicable and the activity in question is otherwise a prohibited activity, in exercising its broad discretion to grant consent for a nominally prohibited activity, it is reasonable to infer that the Panel would consider the overarching objectives applicable to a comparable activity. In this context a landfill or cleanfill activity bears the closest resemblance to the Project, especially given the inclusion of monofills in the site design and the cleanfill activities that will be undertaken as part of the site development.
- 2.34 On this basis, the applicant's position is that the same framework guides the assessment regardless of whether the activity is classified as discretionary or prohibited. The details of that assessment follow.

### **Proposed offset and its management**

- 2.35 As the Green Steel plant will, after the cleanfill activities have been undertaken, be situated in the location of the identified wetlands – the applicant proposes to apply aquatic offsetting on the site.
- 2.36 Bearing in mind the likely matters of discretion outlined above that apply to landfill activities, the nature of the aquatic offsetting to be adopted is as follows:
- a. To provide an area four times the size of the existing natural inland wetland. An indicative suitable location has been identified in the north of the site adjacent to the Waipapa Stream but it is proposed to finalise this through the consent conditions once further consultation has been undertaken.
  - b. To manage the area pursuant to a wetland offset management plan (“WOMP”) to ensure the EMH is applied;

- c. To specify the conservation outcomes in the WOMP, to achieve principles 1-6 of Appendix 6<sup>13</sup> and have regard to principles 7 – 10; and
  - d. To put in place methods or measures to ensure that the offset will be maintained and managed over time to achieve the conservation outcomes.
- 2.37 Ecological and planning assessments (**Appendices One and Two**) confirm suitability of the offset site and compliance with statutory principles.
- 2.38 An ecological assessment by Awa Ecology confirms the area of wetland as being 48m<sup>2</sup> and addresses the principles in Appendix 6 and application of the EMH (**Appendix One**);
- 2.39 A planning assessment by Shearer Consulting Limited (**Appendix Two**):
- a. Concludes that wetland removal is essential to construct the plant;
  - b. Concludes that national and regional benefits (with reference to earlier assessments in response to Minute 2) tests are met;
  - c. Concludes that alternative location assessments confirm no practicable alternatives;
  - d. Concludes that the offset proposal ensures compliance with the EMH; and
  - e. Identifies proposed conditions of consent necessary to satisfy the panel that it can grant consent.
- 2.40 Consultation has been undertaken with:
- a. Ngaa Muka Development Trust: The assessments have been provided to the Trust, but given the timeframes they have not had the opportunity to respond. It is noted that they will have an opportunity to participate in design, implementation and monitoring of the application as outlined in the proposed conditions;
  - b. The Waikato Regional Council: The applicant has provided a copy of the AWA Ecology Report to WRC. This has been positively

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<sup>13</sup> 1. Adherence to effects management hierarchy; 2. When aquatic offsetting is not appropriate; 3. No net loss and preferably a net gain; 4. Additionality; 5. Leakage; 6. Long-term outcomes.

received and WRC has provided a written response - **Appendix Three**.

- 2.41 The significant national and regional benefits of the proposal have been addressed in the Applicant's response to Minute 2.

**Wetlands – summary**

- 2.42 The applicant recognises that the activity status of the proposed earthworks affecting the identified wetlands may be characterised in two different ways. The primary position is that the works fall within the cleanfill area exemption under reg 45B of the NES-F, and are therefore properly assessed as a discretionary activity. The excavation and relocation of virgin natural materials on the site meet the definition of cleanfill and, as a necessary functional precursor to the plant, are inseparable from its construction for policy purposes.
- 2.43 For completeness, the applicant also acknowledges that if the Panel rejects the cleanfill exemption, the works would fall to be treated as a prohibited activity under reg 53 of the NES-F. Notwithstanding, the FTAA provides a pathway for approval, by expressly authorising the Panel to consider activities that would otherwise be prohibited under the RMA. The statutory framework anticipates that such activities are to be assessed in substance as discretionary, subject to the Panel taking into account their prohibited status.
- 2.44 On this basis, the Panel is required to consider the matters set out in Clause 3.22(1) / Policy 3.A.2 of the Regional Plan, including whether the loss of wetland extent is necessary for the project, whether the project delivers significant national or regional benefits, whether practicable alternatives exist, and whether the effects are managed through application of the EMH. The applicant has addressed each of these matters in detail in the attached technical assessments, demonstrating national and regional benefits, absence of practicable alternatives, and compliance with the EMH through offsetting. Consent conditions are proposed consistent with clause 3.22(3) of the NPS-FM. Importantly, the Waikato Regional Council has indicated that it is satisfied with the proposal.
- 2.45 Context is important: the small size and low quality of the wetlands, the proportionality of the proposed offsetting measures, and the collaborative

engagement with iwi and council all support the conclusion that the environmental effects are appropriately managed.

- 2.46 Overall, authorisation to modify the wetlands aligns with the FTAA's purpose to facilitate the delivery of a development project with significant regional or national benefits while ensuring environmental effects are appropriately managed.
- 2.47 The Panel is therefore invited to exercise its discretion to grant consent for modification of the wetlands, subject to conditions ensuring implementation of the larger offset wetland, and the proposed conditions.

### **3. MINUTES 7 AND 9 – INFORMATION ON THE MONOFILL, GEOTECH AND EROSION AND SEDIMENT CONTROL ISSUES**

- 3.1 In relation to the questions arising from the GHD peer review, it is noted that the applicant has engaged extensively with WRC over the course of the year and throughout the development of the proposal, including the provision of over 20 draft technical reports for feedback and a number of meetings with the WRC respective technical advisors. This included the preliminary geotechnical assessment, the monofill engineering assessment and the earthworks management plan and erosion and sediment control plan. WRC carried out reviews of the technical documents, and provided detailed feedback which resulted in significant modifications from Green Steel in response to the direction provided. A similar process was followed with the Waikato District Council. Overall, the engagement has been comprehensive and iterative as reflected in the few direct comments from the Councils to the Panel.
- 3.2 In relation to the monofill peer review, it is clear that several of the reviewer's comments are premised on the assumption that the proposed monofill is a conventional landfill. While there are operational similarities, monofills differ fundamentally in material type, design, and environmental considerations. This matter is addressed by Aidan Nelson and Lindsay Strachan of Envitech (formed from Earthtech) in the detailed responses to the information requested by the Panel attached as **Appendix Four**.
- 3.3 Where additional conditions of consent have been proposed by the peer reviewers and accepted by the applicant, these are attached as part of Appendix Four. A collated set of conditions will be provided in the New Year.

**DATED** this 19<sup>th</sup> day of December 2025



G K Chappell

Counsel for National Green Steel Limited

APPENDIX ONE

18 December 2025



Vipan Garg  
National Green Steel Ltd.  
By email

Dear Vipan,

## **Wetland assessment for National Green Steel Ltd. at 61 Hampton Downs Road**

### **1 Introduction**

#### **1.1 Background**

Awa Ecology have been contracted by National Green Steel Ltd. to undertake a site visit to determine the presence and extent of any wetland areas in the area identified in the memo<sup>1</sup> from Kaitlin Morrison (Waikato Regional Council (WRC) Scientist Wetlands) at 61 Hampton Downs Road (map provided in Attachment 1).

#### **1.2 Relevant qualifications**

My full name is Brenda Michelle Bartels. I am a senior ecologist and hold a Master's of Science degree from the University of Waikato. I am the managing director of Awa Ecology Limited. My relevant experience involves over 18 years of professional practice across the areas of general ecology, specialising in freshwater ecology.

### **2 Methods**

A site visit was undertaken on the 16 December 2025 to assess an area on site for the presence and extent of wetlands. Any wetlands were tracked using a handheld GPS to determine their extent.

#### **2.1 Wetland Delineation Protocol**

A wetland is defined in the Resource Management Act as follows:

*'Wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.'*

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<sup>1</sup> Memo File No: 47 06 08. Dated 11 November 2025. Subject: Green Steel wetland assessment site visit

Any areas that appeared to support hydrophytic vegetation were assessed to determine if they meet the definition of a natural inland wetland as defined in the NPS-FM<sup>2</sup>:

**natural inland wetland** means a wetland (as defined in the Act) that is not:

- (a) in the coastal marine area; or
- (b) a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or
- (c) a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or
- (d) a geothermal wetland; or
- (e) a wetland that:
  - (i) is within an area of pasture used for grazing; and
  - (ii) has vegetation cover comprising more than 50% exotic pasture species (as identified in the *National List of Exotic Pasture Species* using the *Pasture Exclusion Assessment Methodology* (see clause 1.8)); unless
  - (iii) the wetland is a location of a habitat of a threatened species identified under clause 3.8 of this National Policy Statement, in which case the exclusion in (e) does not apply

Wetland assessments were based on the Wetland Delineation Protocols<sup>3</sup> following requirements in the National Policy Statement for Freshwater Management (NPS-FM)<sup>2</sup>. The wetland delineation protocols have been developed to give a robust method for delineating wetlands, using three criteria: vegetation, soils, and hydrology. Where wetlands were present, the extent was tracked using a handheld GPS.

Plant species were categorised, based on the proportion of coverage in a 2m x 2m plot as:

- **Obligate (OBL)**: plant species that occur almost always in wetlands (estimated probability greater than 99 % in wetlands).
- **Facultative Wetland (FACW)**: plant species that occur usually in wetlands (67 % to 99 %).
- **Facultative (FAC)**: plant species equally likely to occur in wetlands or non-wetlands (34 % to 66 %).
- **Facultative Upland (FACU)**: plant species that occur occasionally in wetlands (1 % to 33 %).
- **Upland (UPL)**: plant species that rarely occur in wetlands (less than 1 %).

To pass the rapid test the vegetation present within the 'wetland' area across all strata must be dominated by species that are classified as OBL or FACW species. To pass the dominance test the most abundant plant species that immediately exceed 50 % of the total cover for each stratum, plus any additional species comprising 20 % or more of the total cover for the stratum must be OBL, FACW, or FAC. The prevalence test assigns a weighted index score for the species present, with a score less than 3 indicating wetland vegetation. Areas can be excluded as natural wetlands if they are classified as 'artificial' or 'improved pasture'.

The hydrophytic vegetation tool on its own is a useful tool for delineating wetlands and wetland extents if both the Dominance Test and the Prevalence Index pass.

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<sup>2</sup> Ministry for the Environment (MfE) 2020a (Version January 2024): National Policy Statement for Freshwater Management (NPS-FM) 2020, approved by the Governor-General under section 52(2) of the Resource Management Act 1991 on 3 August 2020, published by the Minister for the Environment under section 54 of that Act, 75 p

<sup>3</sup> Ministry for the Environment (MfE) 2022a: Wetland Delineation Protocols. Ministry for the Environment, Wellington, 14 p.



Figure 1: Wetland areas at 61 Hampton Downs Road within the area identified in the memo from Kaitlin Morrison from WRC.

### 3 Natural wetland assessment

A wetland is an ecosystem that is either permanently or intermittently saturated with water. Wetlands support a distinct assemblage of organisms that are adapted to wet conditions. Wetlands perform important ecosystem services and functions, including protecting and improving water quality, providing fish and wildlife habitats, storing floodwaters, maintaining surface water flow during dry periods, and carbon storage.

The protection of wetlands has become part of national policy, within the National policy Statement for Freshwater Management (NPS-FM) which came into force in September 2020 (with subsequent updates). The Essential Freshwater package introduced policies and regulations to protect ‘natural wetlands’ with nationally consistent standards.

During the site visit, four 2x2 m wetland delineation plots were assessed in locations identified as potential wetlands during the on-site assessment (see plot photos in Attachment 2).

Pasture species were common throughout the site and two of the assessed plots (3 and 4) met the pasture exclusion test with >50 % pasture species, these plots were dominated by species including Yorkshire fog (*Holcus lanatus*) and lotus (*Lotus pedunculatus*). Plots 1 and 2 indicated wetland vegetation (Figure 1). The wetland plots are dominated by Yorkshire fog and creeping bent (*Agrostis stolonifera*) (Table 1).

The total wetland areas identified was 48 m<sup>2</sup> as follows:

- Wetland 1 was 30 m<sup>2</sup>
- Wetland 2 was 18 m<sup>2</sup>

Exotic plant species dominated the vegetation across all the wetland areas, none of which are currently fenced to exclude livestock. As a result, these areas are highly disturbed and significantly modified, and they no longer reflect the indigenous vegetation communities that would have naturally occurred in this landscape.

Based on the current condition and composition, the wetland areas on the property do not meet the significance criteria outlined in the Waikato Regional Policy Statement (WRPS) and have been assessed as having **low ecological value**.

Table 1: Wetland plot results.

Common name	Species code	Status	Plot number and coverage (%)			
			1	2	3	4
Creeping buttercup	RANrep	FAC	10	8	8	12
Glaucous sweetgrass	GLYdec	OBL	10	18	15	15
Yorkshire fog	HOLLan	FAC	25	25	30	25
Lotus	LOTped	FAC	8	12		15
Creeping bent	AGRsto	FACW	38	14		4
Sweet vernal	ANTodo	FACU	5		15	12
White clover	TRIrep	FACU	2		8	
Water pepper	PERhyd	FACW		10	3	3
Soft rush	JUNeff	FACW	2	6	5	
Spearwort	RANfla	FACW			8	10
Broad-leaved dock	RUMobt	FAC			4	
Isolepis				2		
Jointed rush	JUNart	FACW		5	4	4
Gorse	ULEeur	FACU				2
<b>Total cover</b>			100	100	100	102
Improved pasture			NO	NO	YES	YES
Dominance test			YES	NO	NO	NO
Prevalence index			2.47	2.23	2.73	2.64
Prevalence test			YES	YES	YES	YES
<b>Wetland</b>			<b>YES</b>	<b>YES</b>	<b>NO</b>	<b>NO</b>

#### 4 Assessment against Relevant Policy and Potential Effects

As part of this assessment, natural inland wetlands were found onsite and these areas total 48 m<sup>2</sup>. The protection of wetlands has become part of national policy, with the National Policy Statement for Freshwater Management (NPS-FM) and the associated regulations listed in the National Environmental Standards for Freshwater (NES-F), both of which came into force in September 2020. The Essential Freshwater package introduced a set of policies and regulations to protect 'natural wetlands' with nationally consistent standards, whereby the loss of natural inland wetlands is avoided and their values protected.

The NES-F covers regulations for activities in and around wetlands. As per planning advice, I have undertaken my assessment as if this activity is covered under Regulation 45B for Landfills and cleanfill areas (see full description in Attachment 3).

Resource consents for the aforementioned activities within or within proximity to natural wetlands will need to show demonstrable avoidance of wetland areas as a first step, and then any effects will need to have the mitigation hierarchy applied (i.e., offset or compensated).

The wetland area is located in the centre of the site and unfortunately impacts to this area cannot be avoided to develop the site. The adverse effects of this proposal have been offset as avoidance, minimise, or remediation are not possible. A biodiversity offset is a measurable conservation outcome, underpinned by a set of principles including 'no-net-loss' resulting from actions designed to balance for residual adverse biodiversity effects arising from activities after appropriate avoidance, minimisation and remediation, measures have been applied.

In terms of the NPS-FM Policy 3.22(a)(i), there is a requirement that the *'applicant has demonstrated how each step of the effects management hierarchy will be applied to any loss of extent or values of the wetland (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of: ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity values;* It is noted that wetland loss will have adversely affect the aforementioned values. However, the offset ratio (1:4) and a well designed and implemented enhancement measures for the wetland recreation will result in an improvement on the highly modified exotic dominated wetland currently present.

The created wetland will be shaped to ensure that edge effects are minimised which will improve the ecosystem health and functioning of the wetland. The wetland will be planted with a diverse range of indigenous species suited to a range of hydrological conditions. Hydrological functioning can be difficult to achieve on some sites, but as this site has relatively poorly drained soils and there is already an artificial watercourse (drain) present in this location, the hydrological functions required to support wetland habitat can be maintained. Should an additional water source be required, it is likely that a portion of water from the onsite pond could be diverted through the wetland as a back up water source. Māori freshwater values have not been specifically assessed. In terms of the amenity value, this wetland holds little amenity value as it is located on private land and is highly modified with low ecological value. The amenity value of the offset area will be enhanced as part of this proposed offsetting.

An evaluation against the principles in Appendix 6 of the NPS-FM is provided in Table 2 (overleaf).

Table 2: An evaluation of the principles in Appendix 6 of the NPS-FM.

<p><b>1. Adherence to effects management hierarchy.</b> An aquatic offset is a commitment to redress more than minor residual adverse effects, and should be contemplated only after steps to avoid, minimise, and remedy adverse effects are demonstrated to have been sequentially exhausted.</p>	<p>The effects management hierarchy has been demonstrated and exhausted. The wetland area is located in the centre of the site and unfortunately impacts to this area cannot be avoided, minimised or remedied to develop the site.</p>
<p><b>2. When aquatic offsetting is not appropriate.</b> Aquatic offsets are not appropriate in situations where, in terms of conservation outcomes, the extent or values cannot be offset to achieve no net loss, and preferably a net gain, in the extent and values. Examples of an offset not being appropriate would include where:</p> <p>(a) residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the extent or values affected:</p> <p>(b) effects on the extent or values are uncertain, unknown, or little understood, but potential effects are significantly adverse:</p> <p>c) there are no technically feasible options by which to secure proposed no net loss and preferably a net gain outcome within an acceptable timeframe.</p>	<p>We believe that this proposal will result in a 'no net loss' and likely 'a net gain' after the offsetting measures have been completed. The offsetting includes the recreation and restoration of an area specifically developed and maintained as a permanent and indigenous dominated wetland at least twice the size of the area to be lost. Stock will be excluded from the site.</p> <p>The wetland to be lost is dominated by exotic species and is currently not fenced to exclude livestock. As a result, these areas are highly disturbed and significantly modified, and they no longer reflect the indigenous vegetation communities that would have naturally occurred in this landscape. The habitat and species are not irreplaceable or vulnerable.</p>
<p><b>3. No net loss and preferably a net gain:</b> This is demonstrated by a like-for-like quantitative loss/gain calculation, and is achieved when the extent or values gained at the offset site (measured by type, amount and condition) are equivalent to or exceed those being lost at the impact site.</p>	<p>Wetland habitat will be lost and recreated as a result of offsetting. A minimum loss to recreation ratio of 1:4 will ensure that there 'no net loss' in areal extent and ecological function. The current area supports exotic species and following restoration the recreated wetland will be dominated by indigenous plant species.</p>
<p><b>4. Additionality:</b> An aquatic offset achieves gains in extent or values above and beyond gains that would have occurred in the absence of the offset, such as gains that are additional to any minimisation and remediation undertaken in relation to the adverse effects of the activity.</p>	<p>The offset achieves gains in extent or values above and beyond gains that would have occurred without offsetting.</p> <p>This area will not be protected or restored without the requirements through aquatic offsetting.</p>
<p><b>5. Leakage:</b> Aquatic offset design and implementation avoids displacing harm to other locations (including harm to existing biodiversity at the offset site).</p>	<p>All aquatic offsetting will be on the same property, avoiding displacing harm to other locations.</p>
<p><b>6. Long-term outcomes:</b> An aquatic offset is managed to secure outcomes of the activity that last at least as long as the impacts, and preferably in perpetuity. Consideration must be given to long-term issues around funding, location, management and monitoring.</p>	<p>The aquatic offset will be protected in perpetuity by way of resource consent conditions, which will require a Wetland Offset Management Plan be prepared and submitted to the Regional Council for certification. The Plan will specify the species to be planted and require maintenance and long-term monitoring and reporting.</p>
<p><b>7. Landscape context:</b> An aquatic offset action is undertaken where this will result in the best ecological outcome, preferably close to the impact site or within the same ecological district. The action considers the landscape context of both the impact site and the offset site, taking into account interactions between species, habitats and ecosystems, spatial and hydrological connections, and ecosystem function.</p>	<p>The aquatic offset will be in close proximity to the impact site. It will be located adjacent to the Waipapa Stream and a large pond onsite providing continuous ecosystem function and hydrological connections to adjacent areas.</p>
<p><b>8. Time lags:</b> The delay between loss of extent or values at the impact site and the gain or maturity of extent or values at the offset site is minimised so that the calculated gains are achieved within the consent period or, as appropriate, a longer period (but not more than 35 years).</p>	<p>There will be a time lag between the loss of extent of values and the gains at the offset site. However, this timeframe will be short (anticipated to be &lt;5 years). In addition, this time lag is factored into the ratio of 1:4 (loss to wetland recreation).</p>
<p><b>9. Science and mātauranga Māori:</b> The design and implementation of an aquatic offset is a documented process informed by science where available, and mātauranga Māori at place.</p>	<p>The design and implementation of offsetting has been informed by science (i.e. site surveys and reporting using national and regionally consistent methods and protocols and review of available literature) and mātauranga Māori will be used where possible.</p>
<p><b>10. Tangata whenua or stakeholder participation:</b> Opportunity for the effective and early participation of tangata</p>	<p>It is anticipated that there will be an opportunity for tangata whenua participation throughout the process.</p>

whenua or stakeholders is demonstrated when planning aquatic offsets, including their evaluation, selection, design, implementation, and monitoring.	
<b>11. Transparency:</b> The design and implementation of an aquatic offset, and communication of its results to the public, is undertaken in a transparent and timely manner.	The results of the assessment have been supplied in this report allowing for transparency of the methods used and the assumptions made.

**4.1 Potential Effects Assessment**

To offset the proposed loss of wetland habitat, the applicant intends to recreate and restore wetland habitat at a minimum loss to recreation ratio of 1:4. The proposed area for this restoration is located between the main access road into the site from Hampton Downs Road and the Waipapa Stream. It is recommended that the details of this wetland recreation are provided in a Wetland Offset Management Plan as part of the Resource Consent Conditions.

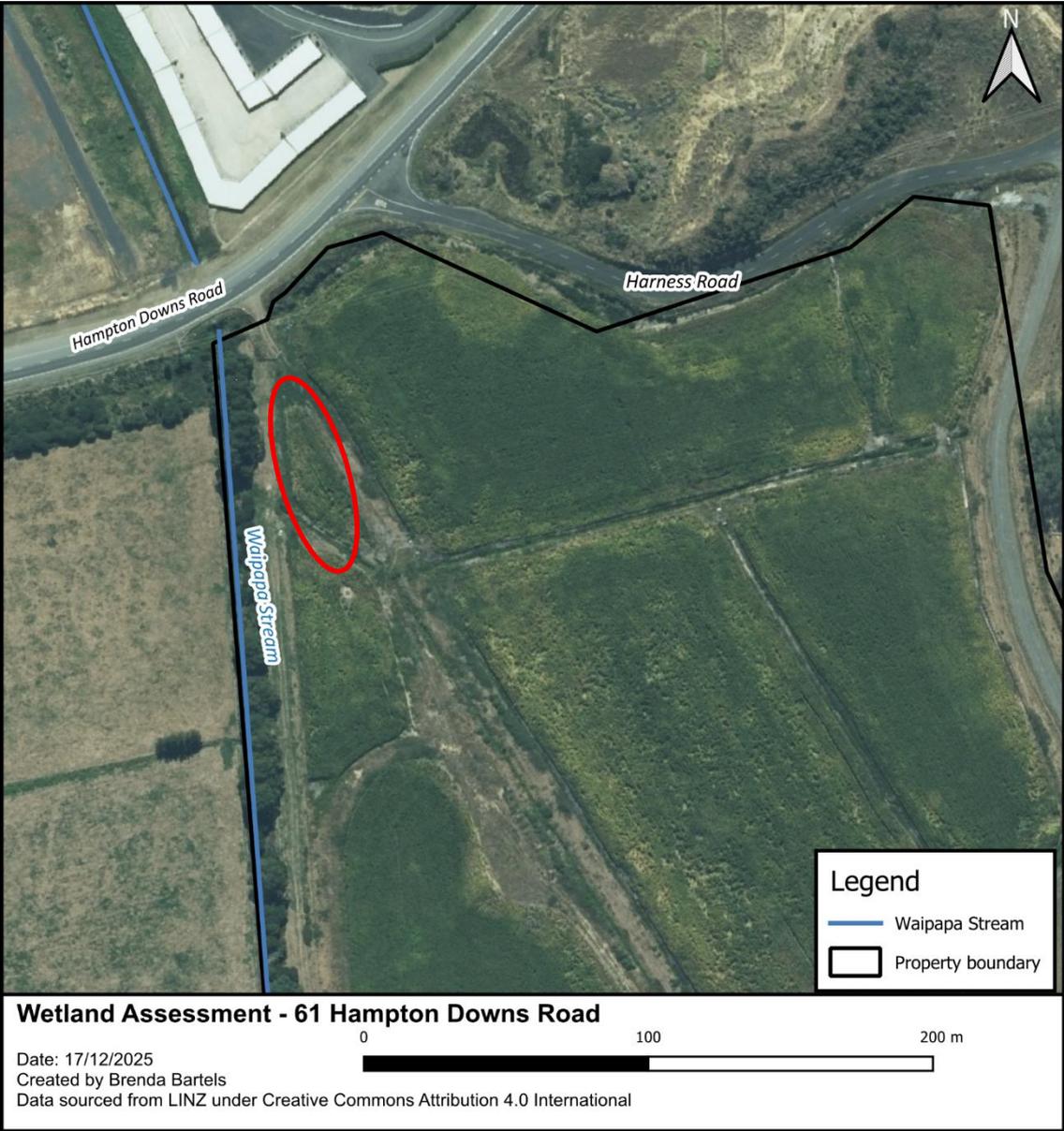


Figure 2: Indicative offset location shown in red.

## 5 Summary

A wetland assessment was undertaken to determine the presence and extent of any wetland areas in the area identified in the memo from WRC Scientist Wetlands, Kaitlin Morrison at 61 Hampton Downs Road. A summary of the results of that assessment is provided below:

- As part of this assessment, two wetland areas totalling 48 m<sup>2</sup> were found in the identified area.
- The two wetland areas are dominated by exotic plant species, subject to active grazing, and are assessed as having low ecological value.
- The NES-F covers regulations for activities in and around wetlands. As per planning advice, I have assessed this activity as if it is covered under Regulation 45B for Landfills and cleanfill areas.
- Although the mitigation hierarchy has been applied, unfortunately impacts to this area cannot be avoided in the development of the site.
- An assessment against the principles in Appendix 6 of the NPS-FM has been provided in this letter, and the applicant proposes to offset the loss of wetland habitat through the recreation of a new wetland at the northern end of the site at a minimum loss to recreation ratio of 1:4.
- It is recommended that the details of this wetland recreation are provided in an Wetland Offset Management Plan as part of the Resource Consent Conditions.

Yours sincerely



Brenda Bartels  
Senior Ecologist/Director  
Awa Ecology

## Attachment 1: Assessed area



## Attachment 2: Wetland delineation plot photos



## Attachment 3: NES-F Regulation 45B for Landfills and cleanfill areas

### 45B Discretionary activities

- (1) Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of constructing or operating a landfill or a cleanfill area.
- (2) Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a discretionary activity if it is for the purpose of constructing or operating a landfill or a cleanfill area.
- (3) Earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural inland wetland is a discretionary activity if it—
  - (a) is for the purpose of constructing or operating a landfill or a cleanfill area; and
  - (b) results, or is likely to result, in the complete or partial drainage of all or part of the wetland.
- (4) The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if—
  - (a) the activity is for the purpose of constructing or operating a landfill or a cleanfill area; and
  - (b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and
  - (c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland.
- (5) The discharge of water into water within, or within a 100 m setback from, a natural inland wetland is a discretionary activity if—
  - (a) the discharge is for the purpose of constructing or operating a landfill or a cleanfill area; and
  - (b) there is a hydrological connection between the discharge and the wetland; and
  - (c) the discharge will enter the wetland; and
  - (d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.
- (6) A resource consent for a discretionary activity under this regulation must not be granted unless the consent authority has first—
  - (a) satisfied itself that the landfill or cleanfill area—
    - (i) will provide significant national or regional benefits; or
    - (ii) is required to support the quarrying activities regulated under [regulation 45A](#); or
    - (iii) is required to support urban development regulated under [regulation 45C](#); or
    - (iv) is required to support the extraction of minerals regulated under [regulation 45D](#); and
  - (b) satisfied itself that—
    - (i) there is no practicable alternative location for the landfill or cleanfill area in the region; or
    - (ii) every other practicable alternative location in the region would have equal or greater adverse effects on a natural inland wetland; and
  - (c) applied the effects management hierarchy.

Regulation 45B: inserted, on 5 January 2023, by [regulation 20](#) of the Resource Management (National Environmental Standards for Freshwater) Amendment Regulations (No 2) 2022 (SL 2022/320).

# Appendix Two

shearer consulting

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Titirangi Auckland  
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19 December 2025

National Green Steel Limited  
19 Hobill Ave  
Wiri

By email: [REDACTED]

Dear Vipin

**RE: Minute 6 of the Expert Panel - Response to Request for Information by the Panel**

## 1. Introduction

Resulting from the Panel's request for a response to wetland issues raised in Minute 6, Green Steel proceeds on the basis that there are two areas covering 48m<sup>2</sup> on its site which are natural inland wetlands.

The two wetland areas were surveyed and reported on by Brenda Bartels of AWA Ecology. Her report is attached separately. As well, she has provided an approximate location of the area in which a wetland could be constructed to offset effects of the loss of the two small wetland areas. An offset ratio of 1:4 is proposed (ie the new offset wetland will be four times the size of that area lost). In preparing this response I have read her report and have accepted her findings and assessment.

You have requested that I undertake a planning assessment to confirm compliance with statutory requirements for off-setting the effects of the loss of the wetland areas identified on your Green Steel project site.

As Green Steel is now committed to offsetting the effects of the loss of the wetlands, I have also recommended conditions the Panel can apply to the consent which will create certainty the offset will occur. The conditions will also ensure standards can be set by the Waikato Regional Council ("WRC"), the consenting body responsible for ensuring the offset wetland is constructed and maintained appropriately, uses appropriate plants, and is monitored to ensure standards are maintained.

A new electric arc furnace steel plant and ancillary activities are proposed on the site at 61 Hampton Downs Road. To prepare the platform to accommodate the very large buildings needed for the steel melting process and rolling mill and other platform areas, a large amount of excavation works is needed. An equally large cleanfill operation will be undertaken with over 1 million m<sup>3</sup> of fill needing to be deposited on the site to create the platform covering a large part of the site. In addition, base metal filling will be required to overlay these areas. Of note is the wetland areas identified by AWA Ecology will be covered by 6-9m of fill to create the required RL14m platform. This is a large cleanfill operation by any standard. In addition, two small industrial monofills are proposed, although the identified wetlands will be untouched by them.

The proposed filling complies with the definition of the operation of a “cleanfill area” in the National Planning Standards 2019 – “means an area used exclusively for the disposal of cleanfill material”. The filling area will be reserved exclusively for clean material such as clay, gravel, sand, soil, and rock to be deposited on the site. The filling of the two wetland areas should be assessed as a discretionary activity under section 45B, Landfills and cleanfill areas, of the National Environmental Standards for Freshwater 2020.

I have read the legal submissions on the wetlands issue prepared by Gill Chappell. She addresses a potential alternative way of assessing the legal policy framework for assessing modification of the wetland areas in the Green Steel project. Whereas I believe the appropriate pathway is as set out above, I accept the Panel may take the pathway set out from clause 2.22 as set out in Ms Chappell’s submissions. There is no need for me to repeat what she has written except to say I have read her submissions, discussed them with her, and I agree that, whether the nominal activity status is discretionary or prohibited, the correct approach to assessing the wetland loss in this project is as if it were a discretionary activity. My assessment proceeds on this basis.

## **2. Statutory Documents**

Relevant to the wetland issue at the Green Steel site, section 104 of the Resource Management Act requires, when considering an application for a resource consent, that the consent authority must have regard to a national environmental standard (“NES”), a national policy statement (“NPS”), a regional policy statement (“RPS”) and the regional plan (“RP”).

The NPS-FM requires<sup>1</sup> the WRC to include a policy in its RP relating to the loss of natural inland wetlands. The WRC has made this change to its plan, and this policy and an assessment of it is to be found in section 3 below.

The NPS-FM also requires<sup>2</sup> the WRC to change its RP to ensure that an application relating to a landfill or cleanfill that would directly result in the loss of extent or values of a natural inland wetland is not granted unless a number of matters are considered. Although the WRC has not

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<sup>1</sup> National Policy Statement for Freshwater Management 2020 (NPS-FM) 3.22(1)(f)

<sup>2</sup> NPS-FM 3.22(3)

changed it plans to include the changes required by the NPS-UD, I have nevertheless considered these matters in this assessment. They are included below in Section 4.

### 3. Waikato Regional Plan

#### 3.1 Section 3A. National direction in accordance with the National Policy Statement for Freshwater Management 2020

Following is an assessment of the landfill and cleanfill provisions in relation to the loss of natural inland wetlands (required by the NPS-FM). I consider that my assessment applies equally regardless of whether the activities are cleanfill activities or earthworks activities which result in loss of extent of a natural inland wetland.

#### Waikato Regional Plan, Policy 3.A.2: Natural Inland Wetland

Policy	Response
The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where: f. the regional council is satisfied that:	
i. the activity is necessary for the purpose of constructing or operating a new or existing landfill or cleanfill area; and	The site needs a large amount of cut and fill earthworks to create a 600m long by 250m wide flat platform on which to locate the steel plant and ancillary activities (see Site Plan). After excavation of top and surface soil material, the wetland areas are located in an area that will need between 6-9m of fill to create the RL 14m platform needed for the steel plant buildings, access, parking, ancillary buildings and activities. activities. The removal of the wetland is needed if the project is to proceed.
ii. the landfill or cleanfill area: (A) will provide significant national or regional benefits; or (B) is required to support urban development as referred to in paragraph (c); or or (C) is required to support the extraction of aggregates as referred to in paragraph (d); or (D) is required to support the extraction of minerals as referred to in paragraph (e); and	Paragraph (A) only is relevant to the application. A detailed assessment of the national and regional benefits of the wider project, which includes major and necessary earthworks and clean filling operations, has been submitted to the Panel (see application material and response to the Panel's Minute 2 sent 14.11.25).
iii. there is either no practicable alternative location in the region, or every other practicable alternative location in the region would have equal or greater adverse effects on a natural inland wetland;	An assessment of alternative locations has been prepared by Mr Garg and is attached to this report as Appendix 1. In my role with the Project I was involved in advising Mr Garg on the planning issues arising relating to alternative sites. I consider that

	the assessment appropriately concludes there was no practical alternative site in the region.
iv. the effects of the activity will be managed through applying the effects management hierarchy.	The effects of the proposed activity against the effects management hierarchy have been considered in the assessment undertaken by AWA Ecology (Brenda Bartels) and provided to the Panel as part of the Minute 6 response. She concludes that “the adverse effects of this proposal have been offset as avoidance, minimise, or remediation is not possible. A biodiversity offset is a measurable conservation outcome, underpinned by a set of principles including ‘no-net-loss’ resulting from actions designed to balance for residual adverse biodiversity effects arising from activities after appropriate avoidance, minimisation, remediation and mitigation (offset) measures have been applied” <sup>3</sup> . I agree with her assessment so a further assessment of the effects management hierarchy is not repeated here.

### 3.2 Other Wetland Policies - Waikato Regional Plan

I have also assessed the only policy in “3.7 Wetlands”, in the Waikato RP. This policy is as follows:

***Policy 1: Control Land Drainage in Areas Adjacent to Identified Wetlands and Within Wetlands***

*Ensure that land drainage activities within wetlands that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna<sup>34</sup>, or immediately adjacent to wetlands identified in Section 3.7.7, are undertaken in a manner that avoids changes in water level that lead to:*

- a. shrinking or loss of the wetland, or*
- b. accelerated dewatering and oxidation, or*
- c. significant adverse effects on tangata whenua values of the wetland, or*
- d. adverse effects of flooding on neighbouring properties, or*
- e. significant adverse effects on the relationship tangata whenua as Kaitiaki have with the wetland, or*
- f. adverse effects on the natural character of wetlands or*
- g. adverse effects on the ability to use the wetlands for recreational purposes*

In my opinion this policy can be excluded from assessment in this case, as the two small wetland areas have been assessed as being subject to heavy grazing and of having low ecological value – so they do not have “significant indigenous vegetation and/or significant habitats of indigenous

<sup>3</sup> Section 4 AWA Ecology Report

fauna". Regardless, Green Steel is keen to establish an offset wetland that will provide better ecological values, and an increased size of functioning wetland.

#### 4. Section 3.22 (3) of the National Policy Statement for Freshwater Management

Policy	Response
<p>3.22 NPS-FM (3) Every regional council must make or change its regional plan to ensure that an application referred to in subclause (2) is not granted unless:</p>	
<p>(a) the council is satisfied that:</p> <p>(i) the applicant has demonstrated how each step of the effects management hierarchy will be applied to any loss of extent or values of the wetland (including cumulative effects and loss of potential value), particularly (without limitation) in relation to the values of: ecosystem health, indigenous biodiversity, hydrological functioning, Māori freshwater values, and amenity values; and</p> <p>(ii) if aquatic offsetting or aquatic compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 6 and 7, and has had regard to the remaining principles in Appendix 6 and 7, as appropriate, and</p> <p>(iii) there are methods or measures that will ensure that the offsetting or compensation will be maintained and managed over time to achieve the conservation outcomes; and</p>	<p>An evaluation of the effects management hierarchy has been addressed in section 4 of the report prepared by AWA Ecology (Brenda Bartels) including in relation to (a)(i). I have read her assessment and agree with it so there is no need to repeat it here.</p> <p>While Māori freshwater values have not been assessed these will form part of the consultation process with mana whenua proposed as part of the proposed consent conditions.</p> <p>Compliance with Principles 1 to 6 in Appendix 6 has been addressed in the report by Brenda Bartels, and Ms Bartels has had regard to the remaining principles in Appendix 6 in her assessment (see Table 2 of her report).</p> <p>See the proposed conditions below.</p>
<p>(b) any consent granted is subject to:</p> <p>(i) conditions that apply the effects management hierarchy; and</p> <p>(ii) a condition requiring monitoring of the wetland at a scale commensurate with</p>	<p>See proposed conditions below</p> <p>See proposed conditions below</p>

<p>the risk of the loss of extent or values of the wetland; and</p> <p>(iii) conditions that specify how the requirements in (a)(iii) will be achieved.</p>	<p>See proposed conditions below</p>
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Overall, the proposal has had regard to the above policies and has been assessed as being consistent with them.

## 5. Waikato Regional Policy Statement (“RPS”)

There is one relevant objective: LF-O3 – Riparian areas and wetlands this objective seeks that *wetlands are managed to:*

1. *maintain and enhance:*
  - a. *public access; and*
  - b. *amenity values.*
2. *maintain or enhance:*
  - a. *water quality;*
  - b. *indigenous biodiversity;*
  - c. *natural hazard risk reduction;*
  - d. *cultural values;*
  - e. *riparian habitat quality and extent; and*
  - f. *wetland quality and extent.*

The above objective is supported by a number of policies. By providing an off-set the proposal complies with nearly all parts of the objective and relevant policies. There is currently no public access and this will not change, but amenity values, water quality, indigenous biodiversity, cultural values, and wetland quality and extent will improve significantly with a viable, protected, and maintained wetland.

## 6. Statutory Conclusion

The proposal to remove the two small wetland areas and replace them with a viable, protected, and maintained offset wetland, covering an area four times as large, is consistent with the policy direction in the above statutory documents.

## **7. Assessment of Effects**

The investigations and assessment undertaken by AWA Ecology includes a brief potential effects assessment of the removal of the two small wetland areas. Considering the two areas that will be lost have been described by Ms Bartels as being subject to heavy grazing and of having low ecological value, in my opinion the offset proposed of a minimum loss to recreation ratio of 1:4, along with the establishment of a high-quality functioning wetland in their place will lead to a positive effect from the loss of the small wetlands.

## **8. Conditions**

The AWA Ecology report recommends the details of the wetland recreation are provided in a Wetland Offset Management Plan as part of the Resource Consent Conditions. I agree, and therefore propose the following conditions be applied to the consent granted to ensure an adequate aquatic offset occurs to compensate for the loss of the wetland areas on the site created by the extensive earthworks and cleanfill activities needed to provide a suitable platform for the steel plant and ancillary activities.

1. Wetland Offset Management Plan (WOMP) to be prepared;

The Consent holder must, after consulting with Nga Muka Development Trust, provide the Waikato Regional Council with a draft WOMP at least 10 working days prior to the commencement of the proposed activities authorised by this consent. The objective of the WOMP is to offset the effects of the loss of the two wetlands identified on the site by providing a long-term replacement and to enhance wetland values that have been lost. The WOMP must include, as a minimum, the following detail:

- a) mana whenua input into the location and design of the wetland;
  - b) the final proposed design and location of the wetland;
  - c) the wetland species to be planted;
  - d) specify proposals for maintenance of the wetland, including proposals for replanting if significant plant mortality rates occur;
  - e) the use of locally sourced indigenous species appropriate to the target wetland type;
  - f) identify pest threats and specify control methods;
  - g) Provide a Monitoring Plan
2. The WOMP shall be prepared by a suitably qualified and experienced wetland ecologist;
  3. The offset wetland would need at a rate of 4:1 for the identified wetland lost and be of a minimum size of 200m<sup>2</sup> in size;
  4. The WOMP would be submitted to and certified by the Waikato Regional Council prior to any loss of the existing wetlands occurring;

5. Construction and planting of the wetland must be completed as part of the earthworks programme for the site.
6. The Monitoring Plan shall:
  - a) Describe the wetland values to be monitored, including vegetation composition and cover;
  - b) Enable Nga Muka Development Trust input into the design of the monitoring plan;
  - c) Require baseline monitoring is undertaken immediately following establishment;
  - d) Require annual monitoring for a minimum of five (5) years following wetland establishment, unless otherwise agreed in writing by the Waikato Regional Council;
  - e) Require the provision of a monitoring report is provided to the Waikato Regional Council within two months of each monitoring event which is to include results of the monitoring and any remedial measures undertaken or proposed.

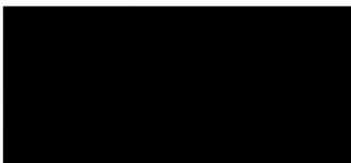
## 9. Conclusion

The removal of two wetlands from the Green Steel site have been assessed as a discretionary activity. The technical assessment considers the replacement wetland offered at a rate of 1 loss to 4 gained as an offset will more than make up for the loss of two small wetlands that total 48m<sup>2</sup>. These small wetlands are heavily grazed and have low ecological value. The potential effects are therefore assessed as being positive.

In addition, the proposed offset has been assessed against the various policy documents and has been found to be consistent with them.

I attach as Appendix 2 a statement of my qualifications and experience.

Yours sincerely

A large black rectangular redaction box covering the signature area.

Craig Shearer  
Principal, Shearer Consulting Limited

## APPENDIX 1

### Statement of assessment of alternative locations – by Vipin Garg, Director, Green Steel

In respect of alternative locations and methods, various options were considered.

An extensive investigation was undertaken over a period of two years to try and find a suitable location for the Steel Plant. A number of criteria were developed for the assessment process:

- Location – reasonable distance/access to source material, market for finished products, road connectivity preferably northern Waikato/South Auckland, the optimum source areas for scrap metal;
- Underlying geology and soils – needed for building platform stability, and for earthworks;
- Appropriately zoned land;
- Access – good vehicle access to the site for trucks, and potentially rail;
- Size of usable footprint – needed at least 30 hectares to accommodate the plant and potentially a small buffer area;
- Need to be able to purchase the site;
- Suitable topography – to allow for the plant to be at least partially hidden;
- Clear of major waterways and wetlands main platform and reasonable groundwater conditions;
- Reasonable level of direct separation from neighbours eg not in a rural-residential area;
- Access to services like electricity and water

Twelve sites were considered at locations in the Waikato Region. South Auckland sites are generally not of an appropriate scale so none were given serious consideration. The considered sites were at Tuakau, Ohinewai (2 sites), Horotui, Meremere, Huntly, Pukekawa, Kerepehi, Putaruru, Te Kauwhata, and Hapuakohe, and Hampton Downs. In addition, Waikato District Council provided guidance by identifying appropriately zoned land, although none was suitable, mainly because the footprints were too small.

Many of the sites were found to be fatally flawed sites. For example, the underlying soils/geology were completely inappropriate, many shared close rural residential neighbours, with some sharing access. One site was contaminated and difficult to remediate. The size of some of the sites was a key concern – they were too small to comfortably fit such a large

operation. In particular, Green Steel was encouraged to consider industrially zoned sites but such sites are normally too small. Another barrier was finding land that was available for sale.

61 Hampton Downs Road was selected as being the most suitable as it met more of the above criteria than any of the other sites. The ecological assessments did not identify any wetlands on the site.

61 Hampton Downs Road met the following criteria: good location, good underlying geology and soils, good access via the Waikato Expressway, a large footprint, main transmission power lines are on the right side of the motorway and close by, the site was for sale, topography was reasonably stable, clear of major waterways and wetlands and therefore few effects, and a reasonable level of separation from neighbours. Overall, the location is very suitable as it is ideally located in the golden triangle where most of the North Island population is located. This will assist with the efficient collection of scrap from these areas, with good access to markets associated with the large population in this area.

61 Hampton Downs Road had the added advantage of being in an area where land use change is occurring and where large scale non-urban land uses are widespread – Springhill Prison, Hampton Downs Motorsport Park and Industrial area, Hampton Downs Landfill, Meremere Dragway, and the Waikato Expressway.

The only criteria missing were appropriate zoning and access to rail. Few of the other sites met even half of the criteria.

In the assessment, was no other alternative location that practically could support the proposed steel plant.

In respect of adverse effects, all of the discarded sites had varying physical features and actual or potential effects. Based on the advice received, 61 Hampton Downs Road has few adverse environmental effects.



Vipan Garg

Director - National Green Steel Limited

18 December 2025

## Appendix 2: Abridged Resume.



### RE: Statement of Experience and Qualifications

My full name is Craig McGregor Shearer. I am an environmental and planning consultant and hold a Master's degree in Geography from Canterbury University. I am the principal of Shearer Consulting Limited.

I have provided planning expert advice for the National Green Steel application, including in relation to providing National Green Steel Ltd with planning advice in relation to site selection and the assessment of alternative locations.

My relevant experience involves forty-five years of professional practice across the areas of environmental science, resource management and planning. For many years I acted as a hearings commissioner, with chair's endorsement, for councils across New Zealand.

For my initial 25 years employment, I worked for three regional councils, leading complex planning and resource management projects. For the past 20 years I have worked as a consultant providing advice and support to a range of public and private sector clients. This includes property, land use, and coastal development, including regulatory advice, preparation of resource consent applications, project management of other consultants, auditing and support. I have also prepared and presented professional evidence at Council and Environment Court hearings.

### Expert Code of Conduct

I have read and am familiar with the Environment Court's Code of Conduct for Expert Witnesses 2023 (the Code) and can confirm that I have abided by the Code in providing my expert advice in relation to this application.

Yours sincerely

A large black rectangular redaction box covering the signature of Craig Shearer.

Craig Shearer

**From:** [Craig Shearer](#)  
**To:** [REDACTED]  
**Subject:** FW: National Green Steel Wetlands  
**Date:** Thursday, 18 December 2025 3:45:14 pm  
**Attachments:** [image596714.png](#)

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**From:** Hugh Keane [REDACTED]  
**Sent:** Thursday, 18 December 2025 3:40 PM  
**To:** Craig Shearer [REDACTED] >  
**Cc:** [REDACTED]; Kaitlin Morrison [REDACTED]  
**Subject:** RE: National Green Steel Wetlands

Good afternoon, Craig

Kaitlin Morrison, WRC wetland ecologist, has reviewed the wetland assessment information you have provided to us today and she has provided me with the following commentary:

*As requested I have reviewed the attached wetland assessment report prepared by Awa Ecology. The methods used for wetland identification and delineation are appropriate and I agree with where they have delineated the wetland areas. This supports what I saw during my site visit and noted in my previous memo. The identified wetlands are in a central location and would be completely lost due to the proposed works. I support the proposed approach of creating a new wetland at a 1:4 ratio to offset the wetland area lost. This size and the location adjacent to the Waipapa Stream are appropriate both to offset the wetland area and values lost, and as a location suitable for wetland habitat. Details of this wetland recreation are to be provided in an Wetland Offset Management Plan as part of the Resource Consent Condition.*

I trust these comments are of assistance to Green Steel in furthering this matter.

Kind regards

Hugh

**Hugh Keane** | TEAM LEADER - CONSENTS | Resource Consents - Team 1, Resource Use  
WAIKATO REGIONAL COUNCIL | Te Kaunihera ā Rohe o Waikato  
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