

2 April 2026

The Expert Consenting Panel
C/- Environmental Protection Authority

By email: [REDACTED]

Dear Jessie

RE: Green Steel – Minor Corrections

Thank you for your letter of 18 March 2026 with the Expert Consenting Panel's decision on the Green Steel application and inviting parties within 20 working days to let the Environmental Protection Authority know of any minor mistakes or defects.

Green Steel has identified some minor mistakes or defects in the decision report and these are set out in this letter.

A. Minor defects – Decision Report

1. Paragraph 6

5th line, should read "includes".

2. Paragraph 96

3rd line slight amendment so the 26 is a comment number reflecting the comment below.

3. Paragraph 247

Fourth line should read "northeastern" monofill and not "northwestern".

The two proposed monofills are the southwestern and northeastern monofills.

4. Paragraph 270

This paragraph states: “The WEL letter did not give the Panel confidence that the required electricity could be supplied to the Project. Furthermore, Mr and Mrs Saxton raised the lack of available electricity infrastructure in their comments on the Application. **This was not addressed by the Applicant in its responses to comments.**”

The Applicant in fact responded to the Saxton’s comments on this issue at Appendix One to the Legal Memorandum dated 25 November 2025 at page 13.”

5. Paragraph 383

Panel report says: “There is also an internal vehicular accessway which extends from this main staff accessway, to serve the proposed northeastern monofill facility”.

The Airey roading and stormwater report (23 May 2025) says:

“Three new accessways will be constructed as part of the project:

- *Accessway 3 will continue providing access to parts of 61 Hampton Downs Road as well as the neighbouring property, 61B Hampton Downs Road. This property has an easement to gain access along a driveway which runs through the National Green Steel site and which is proposed to be modified to tie in with the proposed design of the monofill area, and Accessway 1. The access to 61B Hampton Downs Rd will be maintained so there is no disruption of access to this property during the construction of the plant.”*

The Airey report is incorrect as Accessway 3 is existing. There is no proposal to utilise all this section of the private road, Accessway 3, to access the northeastern monofill site. Rather, that monofill will be accessed by crossing Accessway 3 only to get from the main steel plant/shredder site to the monofill.

Clause 383 should be reworded to say “There is also an internal vehicular accessway which extends from this main staff accessway. ~~to serve the proposed northeastern monofill facility”.~~

6. Paragraph 365

Should read “to **its** use” in 7th line.

7. Paragraph 503

Third paragraph should read “**exceeds**” (plural)

8. Paragraph 504

Formatting in a. and in c.

9. Paragraph 569

Paragraph 569 of the decision states that the Panel "*does not accept the simplified approach taken by the Applicant (and reflected in the Castalia Report)*" regarding emissions displacement. We note for the record that Castalia's Minute 4 response (dated 4 December 2025) specifically and directly addressed this question, making the following arguments, which do not appear to have been engaged with in the decision:

(a) The correct counterfactual under the FTAA (s43) and the Treasury Guide on Social Cost Benefit Analysis is New Zealand-specific: domestic EAF production replaces imported BF/BOF steel, not global scrap recycling volumes. The decision does not address this statutory and methodological point, which was put directly in response to the Panel's own RFI.

(b) Even on the Panel's own terms (a global displacement analysis), the Castalia Minute 4 response provided specific quantitative evidence that New Zealand's annual scrap steel exports of approximately 0.6 million tonnes represent less than 0.1% of the approximately 700 million tonne global scrap market. At that scale, any displacement effect on overseas recycling operations would be negligible. This quantitative argument, submitted with referenced sources, is not addressed in the decision.

We are not asking the Panel to revisit its conclusions. The decision has been made and the project approved. We ask only that the record reflect that these arguments were put and that the characterisation of Castalia's approach as "simplified" does not accurately describe the analysis as developed across the full sequence of submissions.

10. Paragraph 576, 577

Paragraph 576 of the decision states: "Castalia provided a letter from James Carmichael of Aku Investments Ltd." Paragraph 577 of the decision states: "Castalia provided further letter from Mr Carmichael explaining this process in more detail".

This is factually incorrect. The letters from James Carmichael were as an independent submission made through the applicant, not something provided by or through Castalia. Castalia and James Carmichael made separate and independent submissions on the grid emissions question.

While Castalia's Minute 2 addendum drew on its own prior work to address the renewables mix, James' letter addressed the load management question independently and was submitted separately. The two submissions should not be conflated, and James' letter cannot accurately be described as having been provided by Castalia.

Paragraph 576 and 577 should be corrected under s89 FTAA to accurately reflect that James' letter was an independent submission by AKU Investments Ltd, provided by the applicant.

11. Paragraph 673

“With the WDC”.

12. Paragraph 685

“.....require the Applicant to ~~the~~ develop”

13. Paragraph 697

The underlined words sections below do not make sense and need rewording

“These matters, and the important roles of Waikato-Tainui and Ngā Muka in relation to thew and to other iwi and cultural considerations, was recognised and provided for by the Applicant throughout the Application and our consideration of it”.

14. Paragraph 758

The application and AEE do not indicate a design life for the project of 20 years as indicated. Twenty years is the design life of the monofills combined, but not the wider steel making activities. The steel plant will have a much longer life. That is the reason why the applicant generally requested 35 year consents (with the exception of the GHG consent) to the Panel in its updated conditions on 16.01.2026.

B. Minor defects – Conditions

Waikato Regional Council

1. Authorisation for Stormwater Discharge – Condition 15, and specifically the final sentence as follows:

“Biota baseline monitoring must include an assessment of PFOS concentration in aquatic biota tissues”.

This sentence has been added to the condition after all comments on the conditions were received, without any party requesting it, and without any evidence in support of it. The applicant however is happy to establish a baseline for PFOS concentration in aquatic biota tissues but requests the ambiguity created by the above sentence being added to the condition be removed. The condition as modified by the Panel is

ambiguous as it seems to require sampling for PFOS concentration in aquatic biota tissues at both monitoring sites.

Green Steel's investigations show that the only feasible aquatic biota for sampling in the Waipapa Stream are eels and coi carp. Both of these species are long living and move up and down the channel, including well away from Green Steel property. So firstly, there is no advantage in sampling at the upstream and downstream sites and secondly there may be no such species at these two locations when sampling takes place. We suggest one sample adjacent to the Green Steel site be taken and that the sentence in condition 15 be modified as follows:

"Biota baseline monitoring must include ~~an~~ one assessment of PFOS concentration in aquatic biota tissues in the Waipapa Stream adjacent to the site".

2. Authorisation for Monofill Activities - Condition 17

This condition requires a minimum of 10,000 tonnes of stockpile soil cover to be available at all times during filling. Green Steel respectfully enquires whether this figure should have been **1,000 tonnes**?

The figure of 10,000 tonnes equates to around 8,000m³. The total area of both monofills once complete will equal 8 hectares (80,000m²), but they will be developed in stages with an average size varying from 0.7 to 1.6 hectares in size. It would seem the requirement for 10,000 tonnes will equate to over 1.0m in depth of soil cover being available at times, which seems excessive.

C. Waikato Regional Council (WRC) Minor Defects

We have been copied the WRC letter dated 31 March with their minor mistakes or defects. There is one "defect" WRC has highlighted that Green Steel wishes to comment on.

This relates to the request for a virtual water take measurement, recording and reporting system condition to be imposed for surface water taking. Green Steel does not believe this to be a "minor mistake or defect". This constitutes a new condition and is not supported. In its decision report the Panel found, in respect of groundwater¹:

"The Panel has reviewed the Regulations and does not consider that there is a requirement for reporting prior to the approval to take groundwater being given effect

¹ Paragraph 492 of Expert Panel decision report

to. However, the Panel understands WRC's approach is consistent with its procedures and will assist with water allocation reporting, and have therefore retained them."

Green Steel agrees with the Panel's reasoning above but not the outcome, which we have accepted.

This is the first time this issue has been raised for that consent, and is a significant departure, not a minor mistake of defect. And the new condition requires the virtual modelling "within one month". This will be the first activity of the entire project and will achieve nothing. The stormwater pond from which the water will eventually be taken is unlikely to be constructed for some time, possibly until late 2027, and yet WRC is asking for the consent holder to undertake an expensive and pointless monitoring programme for absolutely no benefit to any party.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Craig Shearer', is positioned above the typed name.

Craig Shearer
For National Green Steel Limited