Comments on the draft conditions for National Green Steel's Fast Track application.

Introduction:

National Green Steel's selected site at Hampton Downs Road is clearly inadequate for the activities associated with its proposed developments. Almost all the consents that have been applied for would be mitigated to some extent had they selected a much larger site. The fact that there are no effective buffer zones exacerbates the environmental effects on the receiving environment of toxic particulate matter, offensive odour and noise. The draft consents cannot be effective at controlling or mitigating these cross boundary environment effects.

Consent for authorisation for Air Discharges:

The draft consent conditions relating to air discharges are largely meaningless and would be extraordinary difficult to enforce, therefore they offer the receiving environment very little protection. Furthermore, the draft consents make no attempt to quantify the accumulation of toxins over time within that receiving environment. Consent conditions that were based on empiric datum parameters could be seen to be far more effective. This would require the establishment of base line contamination data and ongoing periodic sampling to monitor the presence and ultimately the accumulation of toxins in the receiving environment.

Within the draft consent conditions for air discharges clauses 3 and 4 deal with objectionable odour and objectionable particulate matter at or beyond the boundary of the subject site. At first glance they appear to protect the adjoining properties and the surrounding area. But neither the applicant nor the consenting authorities have any way of controlling the odour or particulate matter after it has left the smelter complex, therefore clause 4 cannot be met. A boundary fence cannot contain this pollution.

The consent condition that; ***"There must be no discharge of particulate matter or aerosols that cause an objectionable effect at or beyond the boundary of the subject site***" becomes meaningless when it meets real world practicalities.

This would prove to be impossible to comply with but cynically the applicant will understand that it would also be impossible to apply effectively.

Both these clauses can only be used after what inevitably must be a very subjective assessment, perhaps as the result of a complaint or many complaints. The nature of the polluting activity may result in these discharges being intermittent and therefore it would be significantly harder to enforce these consent conditions. A definitive and easily achievable form of monitoring and controlling discharges to air would be the regular testing of the surrounding receiving environment for contamination.

Having read and considered the draft consent conditions surrounding discharges to air we are horrified to have discovered the following:

"13) The mass discharge of PM10 from the Steel Melt Shop discharge stack must not exceed 14.7 kilograms per hour (kg/hr)."

If this is not an error, it implies that the consent holder can discharge up to 14.7 kilograms of particulate matter per hour. Given that the proposed smelter is to run 24 hours a day, seven days a week, for almost the entire year, this level of contamination would result in over 120 tons of particulate matter per annum to be distributed on the surrounding countryside. This extreme level of contamination would result in a significant adverse effect on the receiving environment and would also accumulate over time.

This consent condition as written is nothing but a licence to pollute. It can be seen that everything that goes up the chimney will also fall on the surrounding countryside. Because the applicant's site size is inadequate there are no meaningful buffer zones between this polluting activity and the neighbouring properties.

To describe this contamination as particulate matter 10 may appeal to the consenting authorities but it also hides the toxic nature of much of that particulate matter. This flue discharge will potentially contain the toxins zinc, lead, cadmium, chromium, iron, aluminium, Sulphur, hydrocarbons, polychlorinated biphenyls and dioxins to name a few. Additionally 40% of the particulate matter generated by the electric arc furnace is made up of PM 2.5 or smaller particles much harder to contain and more pervasive in the receiving environment.

The consents have ignored the disbursement of PM 2.5 particles, however, because of their ability to enter the food chain, bloodstream and cause severe health issues like heart attacks and strokes, PM2.5 is generally considered more dangerous than PM10. These finer particles PM25 and less remain in

suspension longer and therefore can contaminate and accumulate in a wider area.

This potential accumulation of toxins will contaminate the soil and water and therefore pasture, and ultimately livestock and other food grown in this area making its way into our New Zealand and export food chain.

Furthermore, many locals in this area collect their domestic water supply from their rooves, another potential environmental health effect that has not been considered.

A far more relevant measure and control of the actual environmental impact would be a schedule of tests within the receiving environment, i.e. the land that surrounds the site and as far as the full extent that any of the particulate matter could travel. In order to create a meaningful measure of this potential pollution, the current level of these toxic components (in the particulate matter) must be assessed in the wider surrounding environment before any activity on the proposed site is undertaken. This would establish the base level of contamination.

Having established this base level we could confidently assess any increase in the level of toxicity that has resulted from the activities of the smelter. Were it found that there was a significant increase in the toxicity levels in the surrounding countryside appropriate action to mitigate and remedy the situation must be undertaken.

Mr Vipan Garg for his company National Green Steel, in his initial application for the Fast Track approval was bold enough to assert that the proposal would have no adverse environment effects, quote: ***"there are no adverse effects from the project."*** Given the applicants confidence in this his signed statement he will have no hesitation to accept a consent based on empirical data.

<u>Consent for authorisation for Monofill Activities</u>:

The conditions surrounding the establishment and operation of the monofill sites will require significant management and oversite from the consenting authorities. The risks associated with the monofill establishments are significant, multiple and ongoing. Including fire, leachate production, dust, noise, airborne contaminants and land instability. Furthermore, the subject site has no meaningful buffer zone, therefore visiting all potential environmental hazards on the adjacent receiving environment.

All the consent conditions pertaining to the monofills could be avoided if National Green Steel were directed by consent conditions to use the nearby Enviro NZ's landfill. This would also have the added environmental benefit that the Ministry for the Environment would benefit from the $65.00 per tonne payment of the waste minimisation levy. This payment would clearly be a National benefit at the same time reducing the wide spread distribution of negative environmental effects.

The landfill operators are specialists in this activity and are already heavily scrutinised by the consenting authority. In his additional comments to the Fast Track Panel invitation to comment (Minute 1) dated 18th November 2025 Mr Laurence Dolan made Enviro NZ's position clear, stating that;

"The Hampton Downs landfill can accommodate the disposal of the shredder floc whether it is disposed with normal refuse or within a purpose built separate monocell. The proposed shredder floc monofills therefore do not appear to provide any immediate additional regional benefit to the project."

Reasons why National Green Steel should be directed to dump their shredder floc off site.

1. The applicant's initial fast track application made no mention of the potential for floc dumps on their Hampton Downs site. Anybody assessing the application would have likely assumed that the floc would go to a professionally managed dump as is the status quo at the applicant's existing South Auckland plant. This oversite gave the applicant the advantage of appearing to have a smaller environmental impact at the time of the initial assessment than now has transpired.

2. The fact that the use of an established professionally managed dump may attract a waste minimisation levy to benefit the Ministry for the Environment would be a demonstrable national benefit.

3. If the floc was dumped at Enviro NZ's nearby landfill, the facility has significantly larger buffer zones than those available at the subject site to protect the adjacent environment.

4. A specialised and dedicated management team that has direct contact with the local fire service is available at Enviro NZ.

5. The use of an existing professional landfill would avoid the duplication of multiple consents and subsequent monitoring by the consenting authority.

6. There are significant advantages in concentrating the landfilling activity at one large site as opposed to allowing the development of multiple sites creating extra and unnecessary adverse environmental effects on a greater area.

7. The after care of these fill sites at the cessation of smelting activity would rely largely on the financial success of a private company with only two shareholders. Using a professionally managed landfill with considerably more resource and municipal oversite would give our community more confidence in the eventual aftercare of the fill.

Further consents required:

Electricity Supply:

In the Expert Panel's findings para 1.278 they note that *"The information provided by Counties Energy satisfies the Panel that the full 56MW of electricity can be supplied to the project; and that it can be done without infringing Mr and Mrs Saxton's property rights."* There is no draft consent condition to give effect to the protection of our property rights.

It was with some relief that we note in paragraph 3.4 Gillian Chappell in her response to minute 10 from the Fast Track Panel stated that Green Steel is not relying on any legal rights to place infrastructure on our property and that the project is not dependent on securing such rights.

Further, in paragraph 3.5 she highlights the existence of realistic and feasible alternatives, multiple viable pathways avoiding our land are available, as confirmed by the network operators.

Our issue is that the proposal's planning and in particular its energy supply has proven to be ambiguous. The initial application was based on a solar farm providing its power but has been changed for the applicant's convenience. The supporting letter from Counties Energy that we have access to is so heavily redacted as to be pointless for our understanding of their proposed alternative routes. The supporting letter from WEL Networks is vague to say the least.

In her conclusion, paragraph 6.1 Ms Chappell states that the project does not rely on access to our property. Also that multiple feasible and lawful electricity supply options exist that avoid the Saxton land entirely.

In paragraph 6.3 Ms Chappell makes the statement that ***"the most efficient***

route for electricity supply to the site is appropriately determined after approval is granted." As our land clearly provides the most efficient route, this statement highlights that our particular concern is well justified and the applicant fully intends to use the gravitas of an approval to give weight to establishing their electricity supply infrastructure on our land.

In the Panel's decision para. 1.27 it is noted that, "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."**

For us to have any confidence in National Green Steel genuinely using the suggested power supply alternatives, we request that the expert panel include a consent condition to preclude the use of our land. This consent mechanism attached to the site's potential development would have the effect of teasing out National Green Steel's true intent. If National Green Steel were unwilling to accept a consent condition precluding the use of our land then their intentions would become obvious. This consent condition would protect our adjoining property from this potential significant adverse effect.

After perusing the expert panel's draft decision and associated draft consent conditions we find ourselves alarmed that there are no consent conditions associated with the supply of electricity or the electrical infrastructure required to support the applicant's development.

Having been involved in multiple RMA applications in the past we have experienced that statements made during consultation, assumptions, reassurances given and even planning documents are meaningless unless they are quantified and qualified by binding consent conditions. The narrative that is presented to the consenting authorities and effected public are soon forgotten in the face of expediency and economic efficiently.

To further quote: Panel findings para 1.279

"For these reasons the Panel is satisfied that the Project will not be prevented or constrained by the unavailability of sufficient electricity to power the EAF. ***It is also satisfied that there will be no impacts on the Saxtons' property rights."***

We believe that to achieve the panel's assumption that our property rights and environment are protected by the ambiguous statements from WEL Networks it

must be reinforced by way of a consent condition. It is important to us that to avoid significant adverse effects on us and our environment a consent condition be applied to the applicant restraining them from using the Saxton land to facilitate electricity infrastructure for their project. Given that they have stated that they never intended to use our land it should be easy for National Green Steel to accept a suitably constraining consent.

A suitable consent condition could be along the lines of:

The consent holder, National Green Steel must ensure that no part of the Saxton property, legally described as [redacted] is used for the installation, operation, or maintenance of any new infrastructure or equipment related to the supply, transmission, or distribution of electricity to their site or its associated activities.

National Green Steel must not engage or cause any electricity supply authority to undertake any physical works, including excavation, construction, or installation of electrical infrastructure, on the Saxton property for the purpose of facilitating electricity supply to the National Green Steel site.

In the section headed Electricity Supply 1.262 through to 1.279 the panel has clearly outlined the issues surrounding electricity supply to the site, concluding that it is of relevance to the application.

<u>Potential adverse effects from the combustion of floc</u>:

We are alarmed to read in the Panel's decision, para 1.36 that ***"The Applicant says that this material might later be able to be recovered and used to produce energy to power the operation."*** Given that there is some confusion about the energy source or even availability we must preclude the onsite burning of this floc as the Panel has not had the opportunity to assess the additional negative environmental effects that would result from floc combustion.

There is already an evident shortage of industrial gas and base load electricity available in New Zealand. Recent developments in the Middle East and the governments tardiness in confirming an alternate gas supply based on imported gas suggest to us that this smelter development could well be starved of energy were it to proceed. Therefore the potential to combust their own floc becomes more likely, however the expert panel has not had the opportunity to consider the environmental effects of combusting this floc material on this subject site.

We believe that to have confidence that this potential floc use is not part of National Green Steel's plan, a consent condition to the effect that they must not combust floc on their site should be applied.

Adverse effects from the potential importation of scrap metal:

Another potential concern arises from the possible importation of scrap metal as a source of input for the smelter. If economic imperatives drove the smelter management to source scrap metal from outside of New Zealand the national benefit that National Green Steel have claimed would disappear and in fact it would be detrimental to New Zealand's National benefit. The importation of this waste would be contrary to the applicant's initial Fast Track application and involve elevated CO2 generation associated with the extra transport required.

A consent condition should be included, precluding the use of scrap metal sourced outside of New Zealand, addressing this potential risk.

We thank the expert panel for the opportunity to comment on the draft consent conditions. Please consider our comments seriously as this is our last opportunity to gain some protection for the environment. The community and surrounding environment needs the protection of meaningful consent conditions.

Yours sincerely,

David & Wendy Saxton.