BEFORE THE GREEN STEEL EXPERT PANEL

In the matter of	of the Fast-Track Approvals Act 2024 (**FTAA**) and the deliberations and final decision of the Expert Panel appointed under section 50 and Schedule 3 of the FTAA on an application by **National Green Steel Limited** to construct and operate a structural steel manufacturing plant, including ancillary activities.
Expert Panel	Matthew Casey KC (*Chair*) Cherie Lane (*Member*) Tim Manukau (*Member*) Tim Baker (*Member*) Alethea Hikuroa (*Member*)
Comments received under Section 53 of the FTAA:	19 November 2025
Details of any hearing under Section 57 of the FTAA:	N/A

Record of Decision of the Expert Consenting Panel under Section 87 of the Fast-Track Approvals Act 2024

Dated 18 MARCH 2026

Decision: Approvals sought relating to the Resource Management Act 1991 are granted subject to conditions

Date of Decision:	18 March 2026
Date of Issue:	18 March 2026

ACRONYMS AND ABBREVIATIONS

The following abbreviations and acronyms have been used throughout this decision report.

AEE	Assessment of Environmental Effects
Applicant	National Green Steel Limited
AQMP	Air Quality Management Plan
BPO	Best Practicable Option
CIA	Cultural Impact Assessment
CMP	Construction Management Plan
Corrections	Department of Corrections
DMP	Dust Management Plan
EAF	Electric Arc Furnace
EcIA	Ecological Impact Assessment
FWMP	Freshwater Management Plan
FTAA	Fast-track Approvals Act 2024
GFA	Gross Floor Area
JMA	Joint Management Agreement
JWS	Joint Witness Statement
LFG	Landfill Gas
NES-CS	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-F	National Environmental Standard for Freshwater
NES-GHG	National Environmental Standard for Greenhouse Gas Emissions from Industrial Process Heat 2023
Ngā Muka	Ngā Muka Development Trust
NMP	Noise Management Plan
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-GHG	National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023
O-WDP	Waikato District Plan – Operative 2013
RFI	Request for Information
SPCF	Spring Hill Corrections Facility
SMP	Site Management Plan

SQP	Suitably Qualified Person
Tai Tumu Tai Pari Tai Ao	The Waikato-Tainui Environmental Plan 'Tai Tumu Tai Pari Tai Ao'
Te Ture Whaimana	Te Ture Whaimana o Te Awa o Waikato
TKW	Te Kauwhata Water Association Water Supply Scheme
Waikato-Tainui	Te Whakakitenga o Waikato
Waikato River Settlement Act	Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010
WDC	Waikato District Council
WDP-OP	Waikato District Plan – Operative in Part
WEL	WEL Networks Ltd
WMP	Wetland Management Plan
WRC	Waikato Regional Council
WRP	Waikato Regional Plan

DECISION MADE BY THE PANEL: GREEN STEEL

PART A: EXECUTIVE SUMMARY

1 National Green Steel Limited (**Applicant**) has applied under the Fast-track Approvals Act 2024 (**FTAA**) for resource consents to construct and operate a structural steel manufacturing plant and ancillary activities on a 53 hectare rural site at 61 Hampton Downs Road, Te Kauwhata, Waikato (**Application**). The Applicant proposes to establish and operate a manufacturing plant to manufacture structural construction steel using recycled steel as the source material (**Project** or **Proposal**). Specifically, the Application comprises:

a. Establishing a steel mill (i.e., high-risk facility and industrial activity) in a General Rural Zone.

b. Establishing two monofill facilities in the General Rural Zone.

c. The discharge of stormwater from a high-risk facility.

d. The discharge of domestic wastewater from on-site wastewater treatment and disposal system.

e. Groundwater abstraction.

f. Off-stream damming and diverting of an artificial watercourse. Subsequent take and use of diverted surface water.

g. Discharge of contaminants to land and air associated with the monofills and process activity.

h. Destruction and removal of wetland areas.

i. Storage of hazardous substances; and

j. District and regional land disturbance estimated to be 1,918,000m^3 (cut) and 1,935,000m^3 (fill) at a partially contaminated site.

2 On 1 October 2025, an expert panel was appointed to determine the Application (**Panel**).

3 The Application is a listed project in Schedule 2 of the FTAA and the Panel has assessed the Application applying the relevant statutory criteria within the purpose and context of the FTAA.[1]

4 The Panel received comments from several persons and responses to those comments from the Applicant. It also requested and received further information from the Applicant, the relevant Councils and some of the commentators. The Panel has carefully reviewed all the comments, responses and further information, as well as the

[1] Legislation Act 2019, s 10; and FTAA, ss 10.

information provided with the Application, in its evaluation of the Application and this decision.

5 A detailed assessment of the Application against relevant statutory tests for each approval is in Parts H and M and is summarised below.

6 Section 87 FTAA states that the Panel must, for each approval sought in the Application, prepare a document that sets out its decision under s 81 whether to grant or decline the approval. That decision document must state the panel's decision and it's reasoning for the decision determined. The decision include a statement of the principal issues in contention and the Panel's main findings on those issues. It should also state a lapse date or dates for the approvals.

7 Schedule 5, clause 17 FTAA sets out the criteria and other matters for assessment of resource consent applications. As no other approvals have been sought, schedules relating to other kinds of approvals are not relevant.

8 The Panel considers that, having considered all relevant matters, the Project meets the purpose of the FTAA, and approvals can be granted subject to conditions.

9 The Panel notes that there has been no application for, and can therefore be no grant of, an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014. In the event that such an authority is or may be required, such as to address damage to or destruction of any urupa, kōiwi or other culturally sensitive matter, it will need to be the subject of a separate application.

10 The Panel has determined that the RMA approvals requested in the Application should be granted subject to the conditions in **Appendix A**. This finding is made on the basis of the statutory criteria for each of the approvals. In making that determination, the Panel has, in accordance with the statutory directive, placed greatest weight on the purpose of the FTAA.

11 This decision is made in accordance with s 87 FTAA. It covers all the approvals sought in the substantive Application. This decision document includes the following key parts:

a. An overview of the Application in Part B;

b. An overview of procedure in Part C;

c. The legal context for the Panel's consideration of the approvals sought in Part D;

d. Input from iwi authorities in Part E;

e. An assessment of environmental effects in Part F;

f. The regional and national benefits of the Project in Part G;

g. A statutory, regional and district policy assessment in Parts H and I;

h. The decision and reasons for the decision – throughout and summarised in Parts N and O;

i. A statement of, and findings on, the principal issues in contention in Part J; and

j. The lapse dates and durations for the approvals granted – Part P.

PART B: OVERVIEW OF THE APPLICATION

Application

12 All information regarding the Application and procedures of the Panel is available on the Fast-track website on a dedicated Project webpage. For efficiency, documents on that webpage are referenced throughout this decision:
https://www.fasttrack.govt.nz/projects/green-steel

13 In particular, the website provides complete copies and/or details of the following:

a. The Application, including the Assessment of Environmental Effects (**AEE**);

b. Panel information;

c. Minutes, including requests for information (**RFI**) issued by the Panel;

d. Responses to the Minutes and RFIs by the Applicant and other parties;

e. Comments received from invited parties;

f. Responses by the Applicant to comments received;

g. Reports and advice received by the Panel;

h. Joint Witness Statement following expert conferencing on 22 January 2026.

Applicant

14 The Applicant, National Green Steel Ltd, is the authorised person for the Green Steel project listed in Schedule 2 of the FTAA.

15 National Green Steel Ltd is a privately owned company whose sole director and majority shareholder is Mr Vipan Garg, a New Zealand citizen. Mr Garg's wife is the only other shareholder. Mr and Mrs Garg are also the shareholders (and Mr Garg is a director) of National Steel Ltd, the operator of a major metal recycling operation based in Manukau with collection yards in other New Zealand locations.

16 The proposal is that scrap steel collected and processed by National Steel Ltd and currently exported overseas for recycling, will instead be processed at Green Steel's Hampton Downs site and turned into construction steel predominantly for the New Zealand market.

Site and surrounding environment

17 The Green Steel manufacturing plant is proposed at 61 Hampton Downs Road, Te Kauwhata, Waikato (**Site**).

18 The Site and Application area is a 53ha rural property with access via Hampton Downs Road to the Waikato Expressway on State Highway 1. The Site has frontage to both

Hampton Downs Road and Harness Road. There are five adjoining allotments comprising the Site - 61, 61A, 61C, 61D and 91 Hampton Downs Road (legally described a Part Lot 1 DPS 45893 and Lots 2-5 DP 310030). All allotments are owned by Garg Holdings Ltd, of which Mr Vipan Garg is the sole director and majority shareholder.

19 The locality plan provided by the Applicant is reproduced in Figure 1 below. The Panel summarises the following features and characteristics of the Site and surrounding area, as described in the Application.[2]

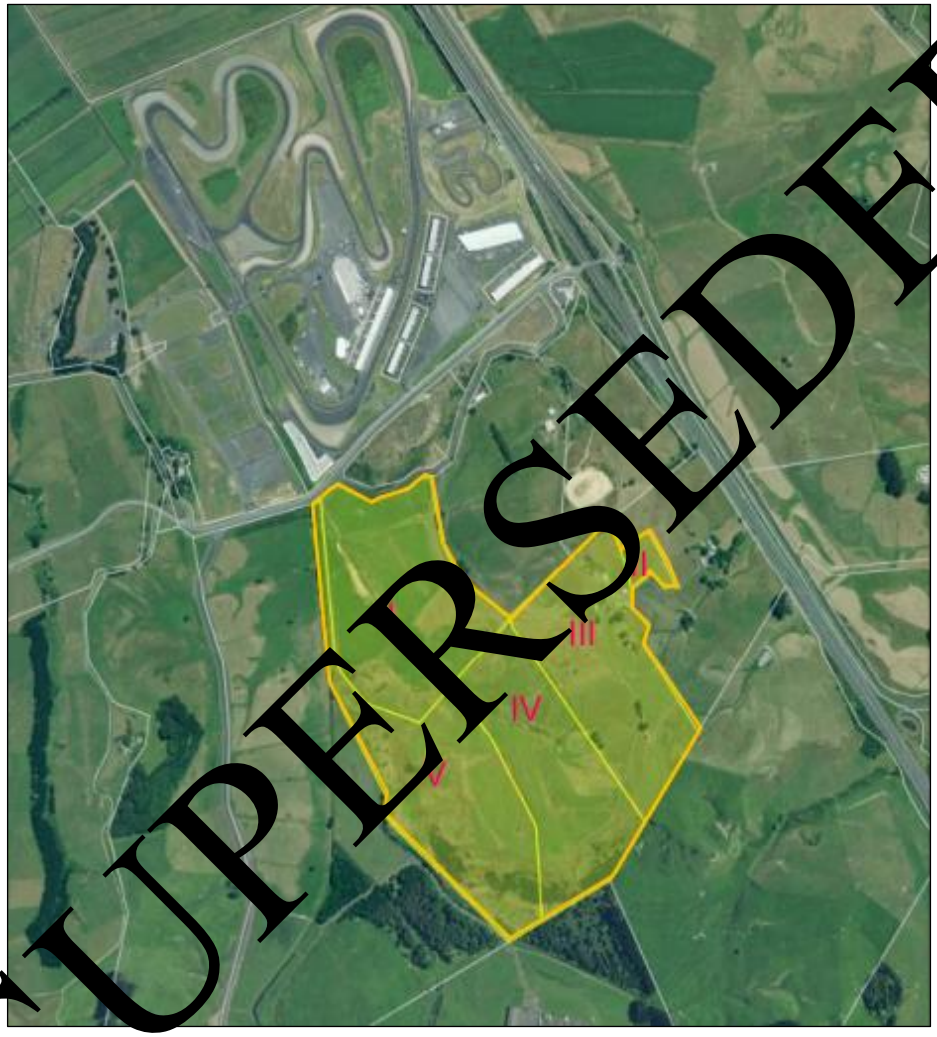

Figure 1: Site locality plan (Source: Assessment of Environmental Effects)[3]

20 The Site's topography is rolling and thus varied. The northern part of the Site is low-lying and features more flat plains. The Waipapa Stream flows along the Site's western boundary. As the Site extends southward, elevations rise and form a fluctuating ridge line across the southern boundary of the Application area.

[2] Fast Track Approvals Act Substantive Application dated 2 July 2025 (Assessment of Environmental Effects), section 3, pages 13-16.

[3] Note that the numbering reflects Part Lot 1 DPS 45893 and Lots 2-5 DP 310030 in order.

21 The majority of the Site comprises pasture and is currently used as a dry-stock farm, with the lower northern part having previously been used to grow rotational feed crops.

22 The area surrounding the Site is generally rural in character but features a mix of rural and industrial activities. To the north across Hampton Downs Road is the Hampton Downs Motorsport Park. To the northwest on Harness Road is a WEL Networks substation, a Gull self-service petrol station and eventually State Highway 1 Waikato Expressway. To the east is the Enviro NZ Hampton Downs Landfill and beyond that the Waikato River, and to the south and southeast is Department of Corrections owned land and the Spring Hill Corrections Facility. Scattered around the area are rural and rural residential properties, some of which border the Site.

23 The Site is located in the Rural Zone under the 2013 Operative Waikato District Plan (**O-WDP**) and the General Rural Zone under the Waikato District Plan – Operative in Part October 2025 (**WDP-OP**). It is noted that no O-WDP provisions remain operative insofar as any relate to the Proposal. Therefore, only the WDP-OP requires to be considered in this decision.

24 The Site is subject to the Flood Defended Area (1% AEP) and Waikato River Catchment Overlays, and its southern and western boundaries adjoin the Department of Corrections Designation MCO1 under the WDP-OP. Site zoning, overlays and the adjoining designation have been given careful consideration by the Panel in its deliberations, as outlined further in this decision.

Overview of the Application

25 The Application is for the construction and operation of a structural steel manufacturing plant and ancillary activities, including a steel shredding plant and two monofills within the Site. The source material for the plant will be derived from recycled steel from throughout New Zealand.

26 The Panel has reviewed all the documentation and the further information provided by the Applicant and others, and the necessary consents applied for are summarised in **Appendix B**. The Panel agrees with the Applicant that, overall, the Application is a non-complying activity under the WDP-OP and a discretionary activity under the Waikato Regional Plan (**WRP**).[4]

27 The Panel also agrees with the Applicant that the Project requires consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (**NES-CS**) for a controlled activity and under the Resource Management (National Environmental Standard for Greenhouse Gas Emissions from Industrial Process Heat) Regulations 2023 (**NES-GHG**) for a restricted discretionary activity.

28 It was determined through the processing of the Application that two small wetland areas are present at the site, which are to be destroyed during the earthworks and construction stages of the Project. Wetland destruction is a prohibited activity under

[4] Assessment of Environmental Effects, section 5, pages 43-48.
It is noted that a discretionary activity status under the O-WDP has since fallen away as no relevant provisions remain operative.

the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (**NES-F**). The effect of clause 17, Schedule 5 FTAA is that approval may be granted to a prohibited activity, which is to be assessed as a discretionary activity.

29 Both Waikato Regional and District Councils agree with the reasons for consent identified by the Applicant. Via comment received on 18 November 2025, Waikato District Council provided an update as to which O-WDP rules identified as being triggered by the Application had since fallen away or are replaced by equivalent WDP-OP rules.

30 The approvals sought are all pursuant to s 42(4)(a) FTAA, as they would otherwise be resource consents needing to be applied for under the RMA. Under the "bundling" principle the overall activity status for the Project is non-complying.

31 Key elements of the Application are summarised below.[5]

32 National Steel Ltd (the Applicant's related company) has collection yards located in Auckland, Wellington, Hamilton, Putaruru and Christchurch where it recovers metal resources from sources such as end-of-life vehicles, sheet metal or beams. Currently, these recovered resources are sent offshore where they are processed and reclaimed into useable products.

33 New Zealand does not currently reuse scrap steel. Rather, scrap steel is exported and structural steel is imported. The Applicant seeks to establish a steel plant for the purpose of manufacturing structural steel within New Zealand using domestic scrap steel instead of iron ore or iron sands, which are the source of steel currently produced in New Zealand.

34 For the steel mill, electric arc furnace (**EAF**) technology is proposed to enable the production of high-quality structural steel with a lower carbon footprint than existing steel processing and production methods used in New Zealand. The ultimate goal being to reduce the need to import steel.

35 In addition to the EAF, the Project involves a scrap steel shredding plant which will sit alongside the mill. This plant will shred scrap steel sourced from across New Zealand. Two monofills will also be constructed at the site for the disposal of non-metallic waste such as car upholstery, referred to by the Applicant as "floc".

36 The Applicant proposes to dispose of this floc in two purpose-built monofills at the southern and north-eastern corners of the Site. The Applicant says that this material might later be able to be recovered and used to produce energy to power the operation, but acknowledged that this is beyond existing technological capability.

37 The Applicant proposes the Green Steel plant will produce some 200,000 tonnes of various steel grades for use in construction throughout the country. Moreover, it is expected to create 200 jobs within the Waikato region, and nationally to reduce reliance on imported steel.

[5] Assessment of Environmental Effects, section 4, pages 21-42.

Overview of construction requirements

38 To inform reading of the following sections, a site plan showing the key elements of the Project covering a combined area of some 21.2ha is provided at Figure 2 below. The Applicant advises that this plan is indicative only and subject to more detailed design if approvals are granted, which may include some rearrangement of the elements shown.

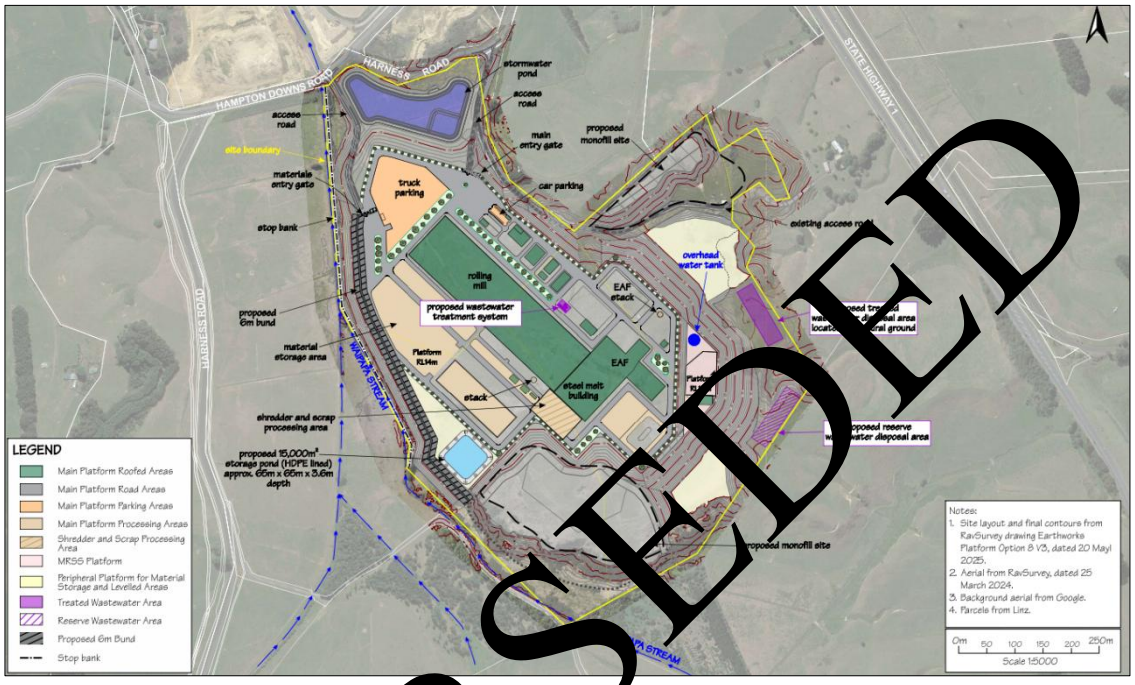

Figure 2: Green Steel Site Plan (Attachment 6 to the Assessment of Environmental Effects)

39 A three-dimensional image is provided at Figure 3 below which shows the main complex and identifies key facilities, also subject to final design.

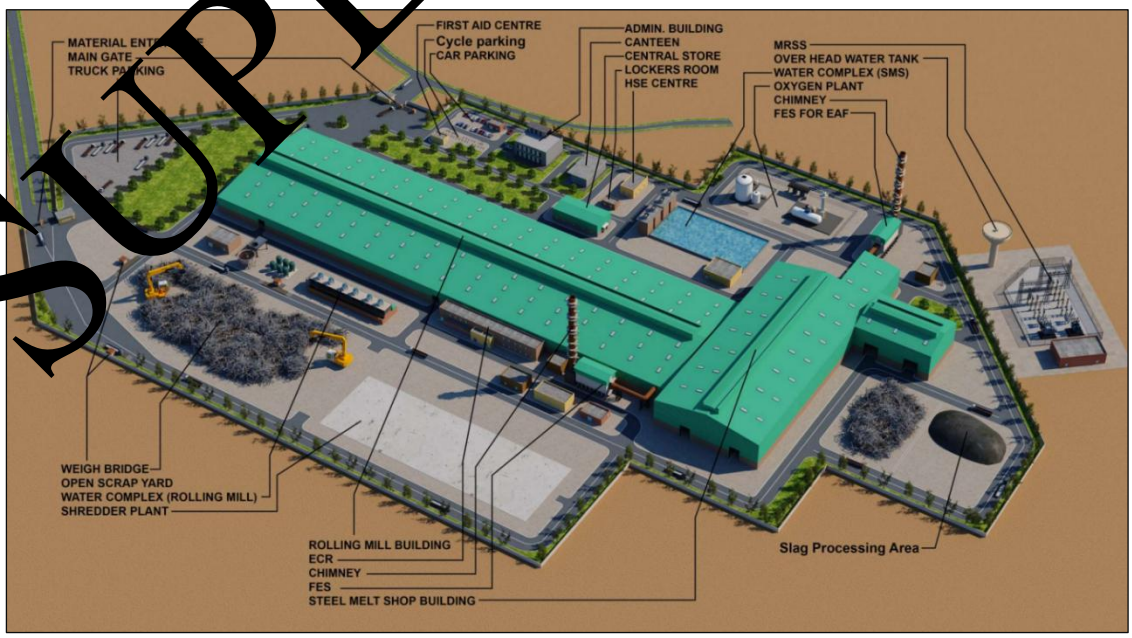

Figure 3: 3D image showing key facilities (Attachment 6 to the Assessment of Environmental Effects)

40 As shown in Figures 2 and 3 above, two industrial-style buildings measuring approximately 450m (length) x 100m (width) will be constructed at the Site. These buildings will house the EAF, steel melt facility and rolling mill – all of which comprise the steel manufacturing and moulding process, as described under the heading 'Overview of operational elements' below.

Site preparation and earthworks

41 Extensive site preparation is required to create a large flat surface for the Project's construction. The area of earthworks required for the main platform is 32.7ha and the overall development requires some 48.7ha of main and perimeter platforms across the total 53.7ha Site.

42 The Site is proposed to be almost entirely reshaped, from its current southern ridgeline to the northern boundary, to accommodate the built form proposed. This is to be undertaken with cut (up to 20m) and fill (10m) which will equate to estimated earthworks volumes of 1,918,000 m³ of cut and 1,935,120 m³ of fill. These cut and fill volumes include the platforms for the two proposed monofills.

43 Any surplus earthworked material is to be used for screening and landscape embankments and preloading.

Site infrastructure requirements

Electricity

44 The Project requires 56MW of installed electricity and both WEL Networks Ltd and Counties Energy have confirmed there is capacity in either network to supply the Site. Initial investigations into viable options have been undertaken but no detailed plans will be prepared prior to approval being granted.

Transport and access

45 Trucks will transport source material to, and steel produced from, the Site. State Highway 1 Waikato Expressway is conveniently close to the Site and features on and off ramps in north and south directions at this locality.

46 The main truck entry is located in the northwest corner of the site, accessed from Hamptons Downs Road (refer to 'HCV Entrance' at Figure 4 below). A new access road is proposed which will extend from this access point to the main plant. Internal roads will stem from this access road to provide access to all operations within the Site. Truck movements are anticipated to be up to 150 vehicles per day.

47 In addition to Site access from Hamptons Down Road, an access road is proposed from Harness Road utilising a shared right of way. This road will be upgraded to provide an alternate access for light vehicles (i.e. staff and visitors). It is anticipated that light vehicle traffic may be up to 400 vehicles per day.

48 Separate parking areas for cars and trucks will be provided. The location of each parking area is shown at Figures 2 and 3 above.

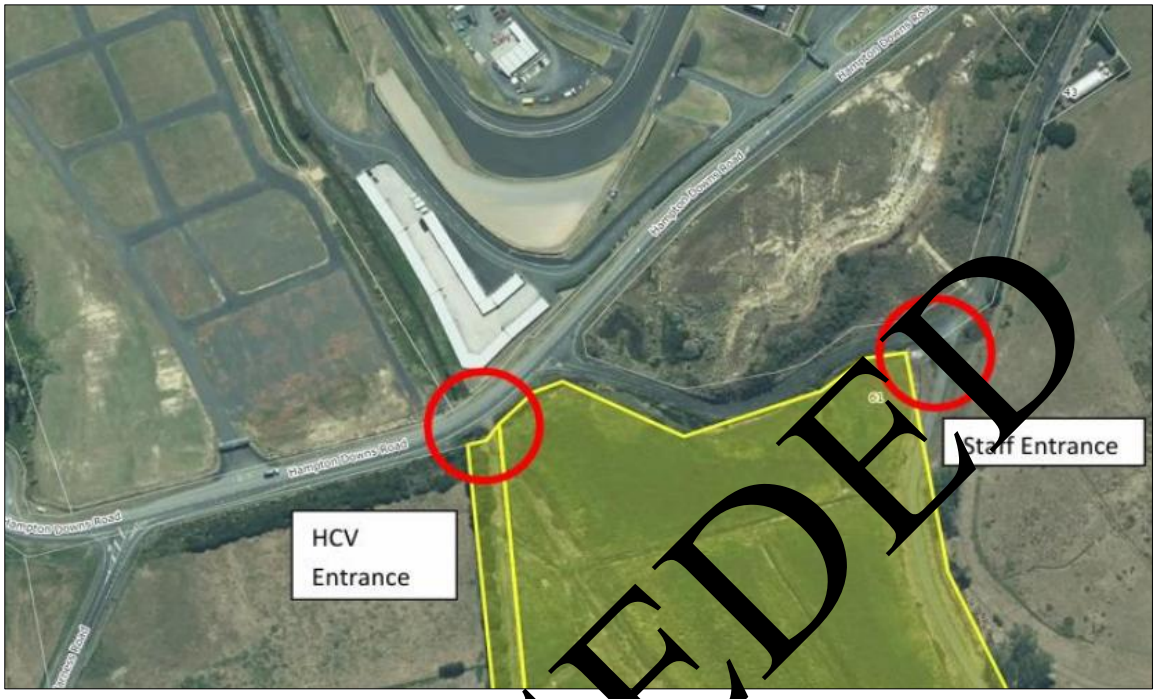

Figure 4: Site access points (Attachment 24 to the Assessment of Environmental Effects)

Three waters – stormwater, wastewater and water use

49 A stormwater retention pond measuring 200m in length by 50-80m in width is proposed at the Site's northern end (shown in Figure 2 above). The pond will feature a sediment forebay which is to act as a settling basin at the point of incoming stormwater, prior to being discharged into the balance of the retention pond. The Site's topography has been designed so that all stormwater runoff from impervious areas will be directed into the pond during storm events, including 1% AEP. The design of stormwater pipe reticulation will occur at detailed design stage. The Applicant acknowledges the benefits of designing a system to withstand higher intensity storms in order to lessen overland flow in major weather events.

50 Neither the steel shredding nor the manufacturing process will result in wastewater discharges, despite using substantial amounts of water. The water used in these processes will be cleaned and reused. Wastewater will only be generated from staff bathrooms, kitchens and other such domestic uses (up to 10,000 litres per day). A wastewater treatment system is proposed, comprising primary septic tank and pre-anoxic treatment for lowering effluent strength before passing through filter pods and special treatment tanks to further reduce the effluent strength. Treated wastewater is then irrigated to land within either the primary disposal area (refer Figure 2 above) or nearby reserve area.

51 The Project requires a significant amount of water, most of which will be used for cooling in the steel-making process. A sustainable daily water supply amounting to 2,800m³ per day, and 840,000m³ per year is required and the Applicant proposes three water sources as follows:

a. Te Kauwhata Water Association Water Supply Scheme (**TKW**)

b. Collecting and recycling stormwater

c. Groundwater

52 TKW is able to supply water from its closest source (being the Waikato River), however, piping infrastructure upgrades are required in order to access sufficient capacity to service the Site. To reduce reliance on TKW and manage costs, the Applicant has investigated the possibility of ground water abstraction and rainwater harvesting at the Site.

53 As noted above, a stormwater pond is proposed at the northern end of the Site. This pond will have capacity to store large volumes of stormwater and thus can store water for use in steel production operations. The Applicant proposes to install a stormwater reuse pump station to pump water supply from the pond to the steel processing plant via a receiving vessel located adjacent to the processing plant. All stormwater runoff from impervious areas will be stored on the Site and provide an average supply of 420m³ of water per day which can satisfy approximately 15% of the Project's daily requirements.

54 Based on data collected from two test bores on the property, there is potential for a combined yield of 32m³ per hour and 768m³ per day from two 150mmØ production bores. The Applicant also considers that, based on testing and analysis, there are two other feasible bore locations at the Site. It is noted, however, that further geophysics tests and test bore drilling will be required for these two further bore locations. If they are to go ahead, the four bores could produce a combined yield of up to 1200 m³ per day. It is noted that any future bores, as described by the Applicant, are not within scope of the Application or the Panel's decision and thus will need to undergo a future consenting process.

Construction timeline

55 Bulk earthworks will be undertaken in the three stages outlined above and are anticipated to be completed over one to two seasons. Following the completion of bulk earthworks and building platforms being established, construction of the main buildings will take place over some 12-18 months.

56 Larger equipment (e.g., furnaces) will be installed within the building footprints as the main buildings are being constructed. This is so the heavy lifting equipment can be efficiently utilised. Once building envelopes are completed, all secondary plant, equipment and ancillary infrastructure will be constructed.

57 The Applicant anticipates plant commissioning and testing will take place in late 2028-mid 2029 but these are indicative timeframes subject to detailed design, consultant and contractor availability, unforeseen delays, weather, and supply chain availability.

Overview of operational elements

Steel mill and scrap shredding process

58 The steel mill will involve two large buildings constructed to house the EAF, steel melt facility and rolling mill – used to manufacture and mould steel from recycled steel sourced from throughout New Zealand.

59 To support these main operations, a shear plant is proposed. This plant will cut larger pieces of steel (e.g. car bodies) into more manageable sizes to enable shredding via a shredder plant.

60 The shredder plant involves the material being broken into smaller fragments which are then cleaned and stored, prior to being processed into steel.

Monofills

61 Two industrial monofills are proposed at the Site (locations marked at Figure 2 above). The monofills are for the storage of non-metallic waste, including car upholstery derived from the shredding process.

62 The southern monofill will be constructed and filled in the first instance. The Applicant anticipates that this monofill will be filled within approximately 15 years, at which time a second monofill located in the northeast corner of the Site will be constructed and filled.

Hours of operation

63 The main steel plant will be staffed by shift workers and operate 24 hours a day. Ancillary activities, including the green scrap yard, shredder, pre-shredder and monofill will operate 7am-7pm.

Noise

64 Noise emitted from the Site alone will generally achieve General Rural Zone daytime noise standards at the notional boundary of adjoining properties. When noise from the Site is assessed in combination with other noise-generating activities in the Site's surrounds, this results in minor non-compliance with General Rural Zone noise thresholds. In particular, during the evenings and on Saturdays. Noise mitigation measures have been proposed by the Applicant and are discussed further in this decision.

Emissions

65 The Site's operation is expected to result in the following sources of air discharge:

a. Particulate matter (PM_{10} and $PM_{2.5}$) discharge from the scrap steel shredding process.

b. Emissions from the steel melt shop include PM_{10} and $PM_{2.5}$, oxides of nitrogen (NOx), sulphur dioxide (SO_2), and carbon monoxide (CO). There is potential for minimal metal emissions, such as lead and zinc.

c. Primary discharges from the rolling mill will be particulate matter (PM_{10} and $PM_{2.5}$), NOx, CO and SO_2.

d. The oxygen plant air separation unit supplies oxygen, nitrogen and argon for steelmaking. The air separation unit will create minor emissions limited to potential nitrogen venting and minimal inert gas leaks.

e. Monofill operations have the potential to generate nuisance dust, however the Applicant anticipates this will be minimal.

f. Slag generated from steel processing will either be turned into aggregate and used elsewhere or disposed of at an off-site landfill. Slag will be stored indoors prior to transportation to an authorised facility.

g. Finally, the construction of the Project involves significant amounts of earthworks which have the potential to generate air discharges mainly in the form of nuisance dust.

66 The burning of LPG in the reheating furnace will result in greenhouse gas emissions, including carbon dioxide (CO_2), methane (CH_4) and nitrous oxide (N_2O). In this respect, the forecast emissions from process heat fossil fuels at the Site will be greater than 2,000t CO_2 e/year, thus the Project is considered a high emissions site. The Application notes that the proposed production process will generate lower greenhouse gas emissions compared to other traditional steelmaking processes.

67 The Applicant also acknowledges that construction works have the potential to generate air discharges, including but not limited to nuisance dust.

PART C: PROCEDURE

68 The following matters of procedure are relevant for this decision.

Meetings and site visits

69 The Panel met with the Applicant and its key advisers on 6 October 2025 for an overview presentation of the Project. The Panel then undertook a site visit which included access to parts of the Site from which the development area could be overlooked. It also went onto the lower-lying portion of the Site and viewed the Waipapa Stream along the Site's western boundary, into which stormwater and groundwater from the Site passes. The Panel also drove around the immediately surrounding area to get an appreciation of the relationship of the Site with neighbouring and nearby properties and activities. The Panel also gained an understanding of the roading network, including access to and within the Site.

70 The Panel agrees with features and characteristics of the Site and surrounding area as described in the Application.[6]

[6] Assessment of Environmental Effects section 3, pages 13-16.

71 The Panel has met on at least a weekly basis since it was convened to correspond and deliberate. Other communications among Panel members have been via e-mail.

Invitations to comment

72 The Panel invited comments on the Application on 20 October 2025.[7] Responses to this invitation were due on 18 November 2025. Comments were received on time from the following:

a. Te Whakakitenga o Waikato;

b. Ara Poutama Aotearoa – Department of Corrections;

c. David and Wendy Saxton;

d. Harness Downs Ltd;

e. Enviro NZ Ltd;

f. HD Land Ltd;

g. Waikato Regional Council;

h. Waikato District Council;

i. WEL Networks Ltd;

j. Meremere East Drainage District;

k. Hon Shane Jones, Minister for Regional Development; and

l. Hon Simon Watts, Minister for Climate Change.

73 A late comment was received from Ngā Muka Development Trust and was accepted by the Panel as it had been inadvertently sent (within time) to an incorrect email address. Later additional comments were received from Harness Downs Ltd and from Mr and Mrs Saxton, as discussed later in this decision.

74 The following is a summary of the matters raised in the comments:

a. Ngā Muka Development Trust (**Ngā Muka**) generally supported the Application and identified key points that it requested be covered by conditions.

b. Te Whakakitenga o Waikato (**Waikato-Tainui**) acknowledged the Cultural Impact Assessment (**CIA**) prepared by Ngā Muka and expressed recognition of Ngā Muka mana whenua status over the Site. Waikato-Tainui identified two key matters of interest. The first being freshwater ecology effects on the Waipapa Stream and ultimately the Waikato River, and second the effects of the proposed monofills. In relation to the monofills, Waikato-Tainui expressed an interest in the

[7] Minute 1 dated 20 October 2025.

effectiveness of long-term plans for unusable waste and management of potential leachate.

c. Ara Poutama Aotearoa – Department of Corrections (**Corrections**), as operator of the Spring Hill Correction Facility which adjoins the Site, raised particular concerns about the noise effects of the Project on current and future uses of its land. It also raised a concern about potential reduction in the reliability of water supply to its facility, and about dust from the proposed monofills.

d. David and Wendy Saxton, long-standing farmers adjacent to the Site, oppose the Application on a number of grounds, including that it is not of significant regional or national benefit and thus should not be on the Fast-Track process. The Saxtons consider the Application lacks important details, including energy supply availability, and there being either none or no adequate protection of neighbours and the environment from noise and toxic emissions. Moreover, that a large-scale industrial activity is incompatible with the rural zoning and character.

e. Harness Downs Ltd also owns an adjoining rural property and opposes the Application. It drew attention to the discovery of koiwi tangata on the Site, raising significant cultural and archaeological concerns which had not been addressed by the Applicant. It referred to the presence of wetlands on the Site. It also opposed the industrial operation because of adverse environmental effects, and the need for a significant electricity infrastructure upgrade. Harness Downs has an easement over part of the Site which it says will be impeded by Project vehicles using that access.

f. Enviro NZ Ltd operates the Hampton Downs Landfill 1.2 km west of the Site. It takes a neutral position provided it can continue to operate without reverse sensitivity effects from the Project. It has concerns regarding air discharges from the Site, fire risk capable of impacting its workers and triggering non-compliance with its own consents, and road access to its site. Enviro NZ seeks conditions that ensure best industry practice and international guidelines are complied with. Enviro NZ also questions the need for monofills at the Site and whether they constitute any benefit given its landfill can take those materials.

g. HD Land Ltd owns and operates the Hampton Downs Motorsport Park, which has been operating for 16 years on land to the north of the Site. It generally supports the Application but is concerned to ensure that there are no traffic conflicts particularly during major events at the Motorsport Park.

h. Waikato Regional Council (**WRC**) had already been extensively involved in assessing the effects of the Project and was continuing to engage with the Applicant. A key outcome of this ongoing engagement is a set of conditions having been prepared, should the Application be granted. Several outstanding matters were identified in WRC's comments as still being addressed, including whether there are wetland areas at the Site. This wetland element and the other matters identified by WRC are discussed in further detail later in this report.

i. Waikato District Council (**WDC**) also referred to its assessment of the Application and its engagement with the Applicant, including in respect of draft conditions. It provided a table of the District Plan rules triggered by the Application and which of these are no longer operative.

j. WEL Networks Ltd (**WEL**) is the electricity network supplier for the Waikato District, in which the Site is located, and is working with the Applicant to establish an electricity supply capable of meeting Project requirements. WEL also owns a substation to the north of the Site and has concerns about potential effects, including overflow staff parking on Hampton Downs Road outside the substation. However, it considers such concerns can be addressed through conditions of consent.

k. The Meremere East Drainage District was concerned about the potential increase in water volumes in the Drainage District but are now satisfied that the on-site water measures would result in very little adverse effect and potentially positive effects.

l. Hon Shane Jones, Minister for Regional Development considers that the Project offers regional benefits by way of direct and indirect employment opportunities and economic benefits to the wider Waikato region. The Minister commented that the Project would offer resilience benefits to wider New Zealand for critical construction needs. He understood that the Project would be self-sufficient in relation to its energy needs, possibly not realising that the originally proposed solar farm had been abandoned.

m. Hon Simon Watts, Minister for Climate Change, commented that the Project has implications for both climate mitigation and adaptation so is likely to have significant national and regional benefits in terms of climate mitigation. The Minister commented that the Site is prone to multiple climate and natural hazard risks and the Application did not appear to adequately assess these.

Applicant's response to invited persons' comments

75 On 25 November 2025 the Applicant provided its responses to the comments received on the Application from those persons who were invited to comment under s 53 FTAA. The Applicant's responses are summarised as follows:

a. As to the comments from the Department of Corrections regarding noise effects and water supply, the Applicant provided a report from Hegley Acoustic Consultants Ltd with a revised set of noise conditions; and correspondence from Meremere East Drainage District responding to Corrections' water supply concerns.

b. In response to Harness Downs Ltd and the Saxtons' (neighbouring properties) concerns regarding noise emissions being incompatible with the General Rural Zone, the Applicant advised that conditions of consent were capable of limiting noise to District Plan permitted standards.

c. To address the comments by Enviro NZ Ltd about air discharges, the Applicant provided a memorandum from Air Quality Consulting NZ Ltd.

d. In response to concerns regarding the presence of wetlands at the Site, a memorandum from wetland ecologist Dr Mark Bellingham was provided stating no natural inland wetlands exist at the site, as defined by regulations.

e. Regarding the Minister for Climate Change's comments regarding flood risk, a memorandum from Airey Consultants Ltd was provided to assess this.

f. In response to the WRC's comments regarding giving effect to Te Ture Whaimana, the Applicant referred to its legal submissions to address the extent to which the Application demonstrates "betterment" in such a way that is consistent with Te Ture Whaimana objectives.[8] Legal submissions assessed the Application against the decision on *Puke Coal Ltd v Waikato Regional Council*[9], where the Environment Court determined betterment could be achieved through incorporating various management and mitigation measures. The Applicant submitted that the Project ultimately demonstrated the betterment of the Waikato River and its tributaries' health and wellbeing through its design and operational management, including the management of discharges to the Waipapa Stream, and riparian planting.

g. Finally, the Applicant reiterated Waikato-Tainui and Ngā Muka's positions, being that Ngā Muka holds mana whenua over the Site. In its response, the Applicant sought to assure the Panel that the CIA prepared by Ngā Muka should be relied on when considering the cultural values, tikanga, and mana whenua interests relevant to the Site.

76 The Panel has considered the Applicant's responses, and, where appropriate, refers to these in Part F below.

Appointment of special adviser

77 On 5 December 2025 the Panel appointed Analeigh Pye as a special adviser to provide the Panel with additional support for drafting documents, including the Panel's decision[10]. This appointment was made under clause 10(2) of Schedule 3 FTAA.

Appointment of technical advisers

78 On 5 December 2025, the Panel engaged Barrister Lachlan Muldowney as a technical adviser to provide legal advice on whether the technical descriptions of the wetlands provided by WRC and the Applicant's experts result in the wetlands meeting the definition of "Natural Inland Wetlands" under the National Policy Statement and National Environmental Standards for Freshwater[11]. This appointment was made under clause 10(3) of Schedule 3 FTAA.

79 On 24 November 2025, the Panel engaged Shannon Bray of Wayfinder Landscape Planning and Strategy Ltd to provide a peer review of the Applicant's landscape assessment.[12]

80 Also on 24 November 2025, the Panel engaged Debbie Fellows, Anthony Dixon, Adam Gray and Nausheen Ramzan of GHD to undertake a review of geotechnical, landfill details and erosion and sediment control matters.[13]

[8] Legal submissions dated 2 October 2025.

[9] *Puke Coal Ltd v Waikato Regional Council* [2014] ELHNZ 300.

[10] Minute 5 dated 5 December 2025.

[11] Ibid.

[12] Minute 3 dated 24 November 2025.

[13] Ibid.

Further information

81 The Panel made several requests for further information pursuant to s 67 FTAA. These are summarised below, together with the responses received to those requests:

Requests for further information from the Applicant

a. By Minute 2 dated 31 October 2025, the Panel requested further information in relation to the claimed regional and national benefits of the Project particularly as to the claimed reductions in CO_2 emissions, the anticipated volume of steel produced and employment opportunities. The Panel noted that the only detrimental impact considered was the loss of the 53ha of farm land valued at $855,000 (despite other adverse effects being identified in the AEE) and requested a revised assessment and benefit cost analysis.

   The Applicant responded on 14 November 2025 by way of a memorandum from its counsel Ms Chappell, a written statement from the Applicant's major shareholder and director Mr Vipan Garg, an addendum by Castalia to its Economic Impact Analysis (Attachment 11 to the AEE) and a letter from James Carmichael of AKU Investments Ltd.

b. By Minute 3 dated 24 November 2025, the Panel requested further information to assist in its assessment of landscape effects. In lieu of any visuals of the project in situ, the Applicant was asked to provide cross-sections through the buildings, bund and neighbouring residential dwellings to the highway. The Panel also requested the evidence on which the Castalia Report and Addendum's assumptions are based, stating the Applicant's response to Minute 2 lacked evidentiary basis.

   In response to the Panel's requests regarding landscape visuals, the Applicant provided graphical sections prepared by landscape architects Greenwood Associates.

   It was discovered a clerical error had resulted in two of the documents responding to Minute 2 had not been provided to the Panel. These were the legal memorandum and the statement from Mr Garg, which had addressed much of the further information the Panel requested in Minute 3. Accordingly, Minute 4 was issued to revise the further information requested in relation to economic and other benefits of the Project.

c. Minute 4, dated 28 November 2025, invited the Applicant to undertake a revised assessment of the 'emissions benefits' in the original Castalia Report. The Panel considered that a lack of clarity around the claimed emissions benefits remained. In particular, benefits to New Zealand and the likely increase in emissions from all aspects of the project. The Panel also sought information to aid its understanding of how reliance on 100% renewable energy would be achieved and managed.

   Responses were provided from Castalia and AKU Investments Ltd on behalf of the Applicant. Castalia provided additional detail on some claims the Panel considered lacked an evidentiary basis and AKU Investments Ltd provided an example of the Virtual Power Purchase Agreement model for the commercial purchase of 100% renewable electricity, and how this would work in practice for Project.

d. By Minute 5 dated 5 December 2025, the Panel requested the Applicant to provide an assessment of effects on neighbouring dwellings, including 61B Hampton Downs Road. The Panel also requested that the Applicant provide information detailing exactly how the production of the plant will be managed to achieve reliance on 100% renewable energy.

   Greenwood Associates provided a response on behalf of the Applicant to comments made in the landscape peer review undertaken by Shannon Bray of Wayfinder (engaged by the Panel).[14] Air Quality New Zealand Ltd also provided a statement on behalf of the Applicant to address visual discharges from the stacks, which was relied upon by Greenwood Associates in their landscape assessment.[15]

   A memorandum of counsel was provided in response to the Panel's questions on how reliance on 100% renewable energy may be achieved. The memorandum questioned the appropriateness of imposing consent conditions to manage emissions reductions, among other issues.

e. By Minute 6 dated 11 December 2025, the Panel referred to legal advice it received on the definition of wetlands, noting the uncertainty as to whether the two potential wetland areas contain 'animals adapted to wet conditions'. The Panel requested the Applicant to provide information as to how it had concluded that these were not present; and to undertake surveys to obtain such information if it was not available.

f. By Minute 7 dated 16 December 2025, the Panel requested further information on geotechnical matters and on erosion and sediment control measures. This request was following the Panel having engaged experts from GHD to review engineering matters relating to erosion and sediment controls, geotechnical and monofill/landfill.

g. By Minute 9 dated 16 December 2025, the Panel requested the Applicant to respond to GHD's review of the monofill elements. It requested the Applicant to address the range of matters and questions raised by GHD in order for the Panel to undertake a full effects assessment of the Proposal.

   The Applicant provided a combined response to Minutes 6, 7 and 9 which addressed each information request in turn.[16]

   In response to Minute 6, the Applicant provided a wetland assessment by Awa Ecology (Appendix 1) which acknowledged the two wetland areas and assessed each as having low ecological value. As impacts to either area cannot be avoided when developing the Project, it was proposed that offset mitigation be provided and a wetland offset management plan form part of the conditions. Also, in response to Minute 6, the Applicant provided a planning assessment from Shearer Consulting Ltd that the removal of two wetlands would be a discretionary activity. Moreover, that the proposed replacement wetland offered at a rate of 1

[14] Appendix 1 to the Applicant's response to Minute 5 of the Expert Panel dated 12 December 2025.

[15] Ibid, Appendix 2.

[16] Applicant's response to Minutes 6, 7 and 9 of the Expert Panel dated 19 December 2025.

lost to 4 gained would result in an overall positive effect. Appended to the Shearer report was an assessment of alternative locations by Mr Garg.

In response to Minutes 7 and 9, the Applicant provided a technical memorandum by Envitech Green and Ground Engineering which responded to GHD's comments. This response included some draft conditions pertaining to the proposed monofill operations.

h. Minute 10 dated 9 January 2026 set out the Panel's request for the Applicant and WEL to respond to additional comments received by Mr and Mrs Saxton (neighbours) in relation to the availability of power supply and the effects of any required infrastructure on privately owned land.

The Applicant responded to Minute 10 by stating the Project was not reliant on infrastructure being placed on the Saxton property.[17] In addition to a memorandum of counsel, a planning assessment by Shearer Consulting and letter from Counties Energy Ltd were provided.[18] The planning assessment was of electricity distribution provisions and the letter from Counties Energy confirmed its network has the capability and engineering pathway to provide 56 MW of firm capacity to the Site.

Requests for further information from other parties

a. By Minute 3 dated 24 November 2025, the Panel requested copies of all the technical assessments and advice received by WRC and referred to in its comment on the Application.

On 27 November 2025, WRC provided all the technical reviews and advice it had received on the Application to the Panel (nine documents).

b. Minute 5 dated 5 December 2025 requested information in relation to comments made by Harness Downs (neighbours) regarding an Urupa being located on the Site. Harness Downs had indicated to the EPA that further evidence on the Urupa existed and the Panel requested this information be provided.

The information sought was provided by Grant Clune on behalf of Harness Downs.[19] The Panel received comments from the Applicant in response to the documentation provided by Mr Clune and indicated that a report from Clough & Associates would be provided.

By Minute 8 dated 16 December 2025, the Panel invited all parties who had commented on the Application to respond to the information provided by Mr Clune, the Applicant's comments in response, and the Clough & Associates report once this became available. In particular, the Panel sought feedback from Ngā Muka and Waikato-Tainui.

Further comments were received from Ngā Muka, Waikato-Tainui, Harness Downs and the Saxtons.

[17] Applicant's response to Minute 10 dated 19 January 2026.

[18] Appendix 1 and 2 to the Applicant's response to Minute 10.

[19] Attached to Minute 8 dated 16 December 2025.

c. As outlined above, Minute 10 dated 9 January 2026 comprised the Panel's request for the Applicant and WEL Networks to respond to additional comments received by Mr and Mrs Saxton regarding power supply and the effects of such infrastructure.

   WEL Networks provided its response on 19 January 2026 which stated there were several options to supply the 56MW required for the Site, and that each option would be assessed in further detail once FTA approval is obtained for the Project.[20]

d. By Minute 17 dated 20 February 2026, prior to draft conditions being issued on 26 February 2026, the Panel provided notice of its request for WRC's response to draft conditions to include either:

   i. A set of suggested conditions to address surface water; or

   ii. An explanation as to what further information would be required to enable development of conditions relating to surface water take.

   The Panel requested this information in response to WRC's comments on the Application dated 18 November 2025 which stated there was insufficient design detail available to enable WRC to provide draft conditions for the surface water take (resulting from stormwater diversion for reuse and cooling) and dewatering activities.

   WRC acknowledged the Panel's request to include a set of consent conditions associated with the surface water take in its feedback on draft conditions (discussed further in Part K below). As sufficient information regarding surface water take from the proposed on-site stormwater ponds had since been provided by the Applicant, WRC provided conditions to address the surface water take element of the Proposal. These conditions are included in Appendix A.

Expert Conferencing

82 By Minute 11 the Panel directed expert conferencing between the Applicant's and Panel-appointed experts in relation to the proposed monofills, earthworks and related geotechnical issues.[21]

83 Expert conferencing took place on 22 January 2026 and a Joint Witness Statement (**JWS**) was produced by those in attendance.[22] They key outcomes from conferencing included specifications, management and further testing required to confirm monofill design and operations. The latter of which requiring further work to be undertaken by the Applicant. Matters relating to conditions are addressed further in this report.

84 A summary of elements not adequately addressed after expert conferencing is provided in the 'Monofill' effects section in Part F below.

[20] WEL's Response to Panel dated 19 December 2026.

[21] Minute 11 dated 20 January 2026, Minutes 12 and 13 dated 21 January 2026. Appendix A to Minute 11 contains the list of conferencing topics.

[22] Joint Witness Statement in relation to: monofills, earthworks and related geotechnical issues, dated 22 January 2026.

Conditions

85 The Panel's procedure relating to conditions is set out in Part K of this decision and is summarised below.

86 The Applicant provided a suite of draft conditions as part of the substantive Application.[23] A number of parties, including the WRC and WDC, commented on draft conditions during the application process, and suggested additional and/or re-worded conditions. We discuss those comments and amendments made to conditions post-expert conferencing throughout this decision but primarily in Parts F (under monofill effects) and K.

87 In accordance with s 70 FTAA the Panel reviewed and amended the suite of conditions proposed by the Applicant and other parties, and issued its draft conditions to the Applicant and persons invited to comment on 26 February 2026, requiring responses by 5 March 2026.[24]

88 The Panel received responses on the draft conditions from the following parties:

a. WEL

b. Corrections

c. Enviro NZ

d. Harness Downs Ltd

e. WDC

f. WRC; and

g. David and Wendy Saxton.

89 The Applicant also provided comments in response to the draft conditions on 5 March 2026 and subsequently responded to comments from the parties listed above on 12 March 2026.

90 The Panel has considered all comments received on the draft conditions as required by s 70 FTAA and amended the conditions where appropriate. As noted above, further discussion regarding comments made on the draft conditions can be found in Part K below.

Comments from the Minister for Māori Crown Relations: Te Arawhiti and Minister of Māori Development

91 Under s 72 FTAA the Panel invited comment from the Ministers for Māori Crown Relations: Te Arawhiti and Māori Development.[25]

[23] Attachment 7 to the Assessment of Environmental Effects.

[24] Minute 18 dated 26 February 2026.

[25] Ibid.

92 Hon Tama Potaka, Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development provided comment on 12 March 2026 and expressed support of the Panel's decision and conditions, on the basis that the Applicant continues to engage with mana whenua throughout the Project.

Hearing

93 The Panel exercised its discretion not to require a hearing on any issue under s 56 FTAA. The Panel was able to consider all issues based on the information available including the Application, comments received, responses to comments and the further information provided by the Applicant, the Councils and others, and from the expert conferencing held on 22 January 2026. The material issues involved were comprehensively addressed in the comments and responses, the JWS and in the documentation provided. Though technical expert differences remained, potential environmental outcomes and residual issues were sufficiently clear for the Panel to consider.

94 The Panel considers that where insufficient design detail was available at the time of the Application and of the Panel's consideration, these matters can be appropriately addressed via conditions setting out a post-consent certification process where WRC has the authority to approve matters of detail. In the case of surface water take and dewatering, the lack of design detail meant the Panel could not determine suitable 'final' conditions and has therefore provided for such detail to be provided to, and the relevant conditions reviewed by WRC pursuant to s 128 RMA.

Timing of the Panel decision

95 The Panel is mindful of the emphasis on time-limited decision-making in the present process and the purpose of the FTAA to facilitate the delivery of infrastructure and development projects with significant regional or national benefits, and the procedural principles in s 10 FTAA that require the Panel to take all practicable steps to use timely, efficient, consistent, and cost effective processes that are proportionate to the Panel's functions, duties or powers.

96 In accordance with the panel convenor Minute 5 the original timeframe for the Panel to issue its decision documents under ss 79 and 88 was 4 March 2026. To facilitate the work required under the JWS outcomes, the Panel issued Minute 1426 suggesting the Applicant request a suspension of processing under s 64 FTAA. This was to provide the Applicant time to undertake the further investigations agreed to at the witness conferencing.

97 The Applicant subsequently requested a suspension which was granted by the Panel in Minute 15.[27] Minute 15 confirmed the suspension of processing from 28 January 2026 until 12 February 2026, which extended the date for the Panel to issue its decision documents to 18 March 2026.

[26] Minute 14 dated 23 January 2026.

[27] Minute 15 dated 27 January 2026.

PART D: LEGAL CONTEXT

Legal context for a listed project under the FTAA

98 Section 42 FTAA provides that an authorised person[28] for a listed project may lodge a substantive application with the EPA. The application is required to follow the process set out in ss 43 and 44. The Applicant lodged the substantive application on 8 July 2025.

99 The EPA decided that the Application was complete and within scope on 29 July 2025.[29] The EPA made a recommendation on whether there were competing applications or existing resource consents for the same activity on 11 August 2025.[30] The EPA then provided the Application to the panel convenor and at the same time requested a report from the Ministry responsible agency under s 18 FTAA on 12 August 2025.[31] A report was received on 14 August 2025.

Decisions on approvals

100 Section 81 FTAA requires that for each approval sought, the Panel must decide whether to grant that approval, and so far as is relevant to the Application in this case s 81 states that the Panel:

> (a) must consider the substantive application and any advice, report, comment, or other information received by the panel under section 51, 52, 53, 55, 58, 67, 68, 69, 70, 72, or 90:
>
> (b) must apply the applicable clauses set out in subsection (3) (*see* those clauses in relation to the weight to be given to the purpose of this Act when making the decision):
>
> (c) must comply with section 82, if applicable:
>
> (d) must comply with section 83 in setting conditions:
>
> (e) may impose conditions under section 84:
>
> (ea) may impose conditions under section 84A:
>
> (f) may decline the approval only in accordance with section 85.

For the purposes of (b) above, the applicable clause is subsection (3)(a) which states:

> (a) for an approval described in section 42(4)(a) (resource consent), clauses 17 to 21 of Schedule 5.

Section 81 goes on to relevantly provide

> (4) When taking the purpose of this Act into account under a clause referred to in subsection (3), the panel must consider the extent of the project's regional or national benefits.
>
> …
>
> (6) Despite subsection (2)(a), the panel—

[28] FTAA, sections 4 and 42.

[29] FTAA, section 43.

[30] FTAA, section 47.

[31] The Ministry for the Environment is the responsible agency for section 18.

(a) is not required to consider any advice, report, comment, or other information it receives under section 51, 53, 55, 67, 69, 70, or 72 after the applicable time frame; but

(b) may, in its discretion, consider the information as long as the panel has not made its decision under this section on the approval.

(7) To avoid doubt, nothing in this section or section 82 or 85 limits section 7.

Ability to decline consent

101 Section 85 FTAA sets out the limited circumstances when approvals must or may be declined. Sections 85(1) and (2) under which approval must be declined do not apply in this case. Section 85(3) sets out what must be considered by the Panel when coming to the view that approval should be declined. Approval may be declined if proposal's adverse impacts are out of proportion to its regional or national benefits:

(3) A panel may decline an approval if, in complying with section 81(2), the panel forms the view that—

(a) there are 1 or more adverse impacts in relation to the approval sought; and

(b) those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the panel has considered under section 81(4), even after taking into account—

(i) any conditions that the panel may set in relation to those adverse impacts; and

(ii) any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.

(4) To avoid doubt, a panel may not form the view that an adverse impact meets the threshold in subsection (3)(b) solely on the basis that the adverse impact is inconsistent with or contrary to a provision of a specified Act or any other document that a panel must take into account or otherwise consider in complying with section 81(2).

(5) In subsections (3) and (4), **adverse impact** means any matter considered by the panel in complying with section 81(2) that weighs against granting the approval.

102 The Panel has assessed the adverse impacts of the Proposal in the following sections of this decision and has concluded that, after taking into account the conditions the Panel has set, they are no more than minor. It has also assessed the regional and national benefits of the Proposal and has formed the view that the adverse impacts are not out of proportion to them. The consequence of these findings, together with s 85 FTAA, is that the approvals should be granted, subject to the conditions.

Approvals relating to the Resource Management Act 1991

103 The relationship of the FTAA with the RMA is outlined in Schedule 5 FTAA which sets out the approvals process that applies in place of the standard RMA process. Clause 17 of Schedule 5 FTAA states:

17 Criteria and other matters for assessment of consent application

(1) For the purposes of section 81, when considering a consent application, including conditions in accordance with clauses 18 and 19, the panel must take into account, giving the greatest weight to paragraph (a),

(a) the purpose of this Act; and

(b) the provisions of Parts 2, 3, 6, and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and

(c) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.

(2) For the purpose of applying any provisions in subclause (1),—

(a) a reference in the Resource Management Act 1991 to Part 2 of that Act must be read as a reference to sections 5, 6, and 7 of that Act; and

(b) if the consent application relates to an activity that is the subject of a determination under section 23 of this Act, the panel must treat the effects of the activity on the relevant land and on the rights or interests of Māori as a relevant matter under section 6(e) of the Resource Management Act 1991; and

(c) to avoid doubt, for the purposes of subclause (1)(b), when taking into account section 104(1)(c) of the Resource Management Act 1991, any Mana Whakahono ā Rohe or joint management agreement that is relevant to the application is a relevant matter.

(3) Subclause (4) applies to any provision of the Resource Management Act 1991(including, for example, section 87A(6)) or any other Act referred to in subclause (1)(c) that would require a decision maker to decline an application for a resource consent.

(4) For the purposes of subclause (1), the panel must take into account that the provision referred to in subclause (3) would normally require an application to be declined, but must not treat the provision as requiring the panel to decline the application the panel is considering.

…

(6) For the purposes of subclause (1), the provisions referred to in that subclause must be read with all necessary modifications, including that a reference to a consent authority must be read as a reference to a panel.

(7) Sections 123 and 123A of the Resource Management Act 1991 apply to a decision of the panel on the consent.

104 The Panel has considered clauses 17 and 18 of Schedule 5 FTAA and has concluded that the purpose and principles of the RMA in sections 5, 6, and 7 remain relevant to our decision-making. We note that we are required to give the greatest weight to the purpose of the FTAA which is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

105 Section 104D RMA provides decision-making criteria for non-complying activities. The effect of clause 17(3)(b), Schedule 5 FTAA is that those criteria do not apply.

106 The Panel has considered the relevant provisions of other relevant legislation, particularly the NES-CS, NES-GHG and NES-F (refer to Part H of this decision for our assessment of these statutory documents).

PART I IWI AUTHORITIES

Section 18 Report for a listed project

107 The Ministry for the Environment provided a report under s 18 in accordance with s 49 FTAA. Key points from the report are as follows:

a. Treaty settlements relevant to the Project area include the Waikato Raupatu Claims Settlement Act 1995, Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (**Waikato River Settlement Act**), and Ngāti Tamaoho Claims Settlement Act 2018.

b. There are no court orders or agreements recognising customary marine title or protected customary rights under the Marine and Coastal Area (Takutai Moana) Act 2011 (**MACA**).

c. No Mana Whakahono ā Rohe have been entered into with local authorities under the RMA that are relevant to the Project area.

d. Provisions of the Waikato River Settlement Act that potentially relate to the Application include the vision and strategy – Te Ture Whaimana o Te Awa o Waikato (**Te Ture Whaimana**), the Waikato River Authority, the Waikato-Tainui Environmental Plan 'Tai Tumu Tai Pari Tai Ao', and the joint management agreements (**JMA**s) that Waikato Raupatu River Trust has entered into with WRC and WDC.

e. Section 82 FTAA requires the Panel to give the same or equivalent effect to its decision making to Te Ture Whaimana and Tai Tumu Tai Pari Tai Ao.

f. Procedural requirements that the Panel must comply with under clause 5, Schedule 3 FTAA include the membership requirements for hearing committees under s 28 of the Waikato River Settlement Act and the resource consent processes set out in the JMAs with WRC and WDC.

Substantive application information

108 Section 10 of the AEE outlines how the Applicant has identified and engaged with the appropriate iwi authorities in order to comply with the requirements for resource consents in clause 5, Schedule 5 FTAA.

109 The AEE identified the following matters as relevant to the Application and to the Project area:

a. Waikato Raupatu Claims Settlement Act 1995

b. Waikato River Settlement Act

c. Te Ture Whaimana/Vision and Strategy

d. Waikato-Tainui Environmental Plan Tai Tumu Tai Pari Tai Ao

e. JMAs between Waikato-Tainui and WRC and WDC

110 The AEE states that the Site is inland and not within the coastal marine environment; accordingly, there are no recognition agreements under either the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou or under the MACA relevant to or associated with the Proposal. The Panel agrees with the Applicant's assessment on this matter.

111 The Applicant has engaged with Waikato-Tainui and mana whenua, Ngā Muka since 2024. This engagement culminated in the development of the CIA Ahurea Arotake by Ngā Muka in support of the Project (subject to its recommendations being implemented). The CIA was included as Attachment 8 to the AEE.

112 The Panel accepts that the Applicant has engaged with the appropriate iwi authority and mana whenua for the Project area.

Comments

113 The Panel invited comments from the following iwi authorities and Treaty settlement entities, under s 53(2)(b)–(c) FTAA:[32]

a. Te Whakakitenga o Waikato

b. Ngati Tamaoho Settlement Trust

c. Ngati Maru Runanga Trust

d. Ngati Hako - Hako Tupuna Trust

e. Waikato Raupatu River Trust

f. Waikato River Authority

g. Pare Hauraki Collective

h. Ngāti Koheriki Claims Committee

114 Comments were received from Ngā Muka and Waikato-Tainui as outlined at paragraph 74 above. None of the other entities or authorities listed above provided comments.

Statutory requirements

Treaty settlements and recognised customary rights

115 Section 7 FTAA requires all persons performing functions and exercising powers under the FTAA to act in a manner that is consistent with the obligations arising under existing Treaty settlements and customary rights recognised under MACA and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019. Though neither of these Acts apply to the Project, the Waikato River Settlement Act does, as an existing Treaty settlement. This is assessed below.

Te Ture Whaimana

116 Section 8 FTAA provides that Te Ture Whaimana is intended by Parliament to be the primary direction-setting document for the Waikato and Waipā Rivers and activities within their catchments affecting the rivers.

> **Te Ture Whaimana**
>
> (1) Te Ture Whaimana is intended by Parliament to be the primary direction-setting document for the Waikato and Waipā Rivers and activities within their catchments affecting the rivers (see the legislation referred to in subsection (3)).
>
> (2) Te Ture Whaimana—
>
> (a) prevails over any inconsistent provision in a national policy statement, New Zealand coastal policy statement, or national planning standard; and
>
> (b) in its entirety is deemed to be part of the Waikato regional policy statement; and any regional plan or district plan that affects the Waikato River or the Waipā River or activities within their catchments must give effect to Te Ture Whaimana.

[32] As per Minute 1 dated 20 October 2025, s53(2)(d)-(g) are not applicable.

(3) In this section, Te Ture Whaimana means the vision and strategy set out in—

(a) Schedule 2 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; and

(b) Schedule 1 of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010; and

(c) Schedule 1 of the Nga Wai o Maniapoto (Waipa River) Act 2012.

117 The vision contained in Te Ture Whaimana is *"for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come".* Te Ture Whaimana responds to four fundamental issues and includes objectives and policies to achieve the vision and strategy.

118 There are a number of provisions in the Waikato River Settlement Act that relate to Te Ture Whaimana and its application in RMA planning and consenting processes. Specifically, and of direct relevance to the application, s 17 of the Waikato River Settlement Act requires a person carrying out functions or exercising powers under certain statutes that relate to the Waikato River or activities in its catchment, to have particular regard to Te Ture Whaimana.

119 Section 82 FTAA requires that if a Treaty settlement provides for the consideration of any document, then the Panel must give it the same or equivalent effect in its decision-making, in addition to complying with the s 7 FTAA requirement to act consistently with Treaty settlements. The Panel must therefore have particular regard to Te Ture Whaimana in its decision making.

120 The Waikato River Settlement Act established the Waikato River Authority as a statutory body. The purpose of the Authority is to (among other things) set the primary direction through Te Ture Whaimana to achieve the restoration and protection of the health and wellbeing of the Waikato River for future generations, and to promote an integrated, holistic and co-ordinated approach to the implementation of Te Ture Whaimana and the management of the Waikato River. The Authority consists of 10 members, five members appointed from different River Iwi and five Crown appointees. The Authority does not speak on behalf of or in the place of iwi or hapū.

121 Of relevance to the Application, under the Waikato River Settlement Act, WRC is required to give notice to the Authority and the Waikato Raupatu River Trust of certain applications for resource consent, including applications involving a point source discharge to the Waikato River (ss 26 and 27). If Council holds a hearing on the application under the RMA, the committee to hear and make a decision on the application must consist of equal numbers (excluding the chair) of members appointed by the Council and accredited commissioners appointed by the Authority from a register maintained by the Authority (s 28). The chair must be appointed by both the Authority and the Council. In order to comply with this and with clause 5, Schedule 3 FTAA the panel convenor ensured the appointments to the Panel reflected this membership composition.

122 It is unclear as to whether or not s 7(2) FTAA operates to exclude s 7(1) from our consideration. On the one hand, we are clearly exercising a "judicial function" in making these decisions, which would indicate that the s 7(1) does not apply.

123 On the other hand, ss 82(3) and 84(1) below quite explicitly direct that the Panel is required to consider and apply s 7 in the context of making a decision or imposing a condition. In light of that ambiguity, we will include consideration of s 7(1) in the context of ss 82(3) and 84(1). However, we will also state whether, if s 7(1) does not apply, our consideration of the matters identified in those sections would not have led to any different outcome.

Effect of treaty settlements and other obligations

124 Section 82 FTAA provides:

> **82 Effect of Treaty settlements and other obligations on decision making**
>
> (1) This section applies if a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is relevant to an approval.
>
> (2) If the settlement or Act provides for the consideration of any document, the panel must give the document the same or equivalent effect through the panel's decision making as it would have under any relevant specified Act.
>
> (3) The panel must also consider whether granting the approval would comply with section 7.
>
> (4) In this section, **document**—
>
> (a) means any document, arrangement, or other matter; and
>
> (b) includes any statutory planning document amended as a result of the settlement or Act referred to in subsection (1).

125 Overall, the Panel's approach has been to ensure that it has complied with ss 82 FTAA in its assessment and final determination of the application. The Panel's obligations to those Treaty settlement matters relevant to the Project area have been considered and are reflected appropriately in this decision.

Conditions relating to Treaty settlements and recognised customary rights

126 Section 84 FTAA provides:

> **84 Conditions relating to Treaty settlements and recognised customary rights**
>
> (1) For the purposes of section 7, the panel may set conditions to recognise or protect a relevant Treaty settlement and any obligations arising under the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.
>
> (2) This section applies in addition to, and does not limit, any other powers to set conditions under this Act.

127 Clause 5 of Schedule 3 FTAA provides:

> (1) This clause applies if any Treaty settlement Act, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, or any other iwi participation legislation, or any Mana Whakahono a Rohe or joint management agreement, includes procedural arrangements relating to the appointment of a decision-making body for hearings and other procedural matters, such as the following:
>
> (a) a requirement for iwi or hapū to participate in the appointment of hearing commissioners to determine resource consent applications or notice of requirement lodged under the Resource Management Act 1991:
>
> (b) a requirement that notice be given to any person or specified class of person of any steps in a resource management process:
>
> (c) any consultation requirements with iwi or hapū:

(d) any other matter of procedure for determining a matter granted under a specified Act that corresponds to an approval under this Act.

(2) The panel convener or panel must—

(a) comply with the arrangements in the legislation, arrangement, or agreement referred to in subclause (1) as if they were a relevant decision maker (such as a local authority, department, Crown entity, or board of inquiry); or

(b) obtain the agreement of the relevant party under the legislation, arrangement, or agreement to adopt a modified arrangement that is consistent with achieving the purpose of this Act and the other legislation, arrangement, or agreement referred to in subclause (1).

(3) The party referred to in subclause (2)(b) may not unreasonably withhold their agreement to a modified arrangement (as described in that subclause).

(4) If the panel convener or panel are unable to obtain agreement under subclause (2)(b) (in circumstances where that agreement is not unreasonably withheld), they must stop processing the substantive application and must direct the EPA to return the application to the applicant immediately.

(5) The panel must also direct the EPA to give written notice to the following that processing of the substantive application has stopped:

(a) the relevant local authorities; and

(b) if advice or a report has been requested from a person under section 51 and is yet to be provided to the EPA, that person; and

(c) if a recommendation has been requested from the relevant chief executive under section 48 and is yet to be made, the relevant chief executive; and

(d) if persons or groups have been invited to provide comments under section 35 or 53, those persons or groups.

(6) The panel and a person referred to in subclause (5)(b) or (c) must stop processing the substantive application if they receive notice of the stoppage.

128 In its assessment of the Proposal, the Panel has provided conditions to appropriately recognise and protect those Treaty settlement matters relevant to the Project area (refer to Part F Cultural and Archaeological effects sections and Part I).

PART F: EVALUATION OF EFFECTS

129 Clause 5(4) of Schedule 5 FTAA requires the Applicant to provide an assessment of the Project's effects on the environment covering the information in clauses 6 and 7. These matters include:

(a) an assessment of the actual or potential effects on the environment:

(b) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use:

(c) if the activity includes the discharge of any contaminant, a description of—

(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and

(ii) any possible alternative methods of discharge, including discharge into any other receiving environment:

(d) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity:

(e) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal:

(f) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision:

(g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved:

(h) an assessment of any effects of the activity on the exercise of a protected customary right.

…

(a) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects:

(b) any physical effect on the locality, including landscape and visual effects:

(c) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity:

(d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:

(e) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants:

(f) the unreasonable emission of noise:

(g) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.

130 The AEE provided an assessment of these matters at Section 7, pages 50-90. Persons who commented on the Application also raised a number of actual and potential effects.

131 The following are the main categories of activities that may have of effects on the environment that will or may result from the Proposal:

a. Monofill construction and operation;

b. Earthworks;

c. Air quality effects;

d. Natural hazards;

e. Archaeological effects;

f. Ecological effects;

g. Wetland removal and replacement;

h. Stormwater effects;

i. Cultural effects;

j. Traffic and transportation;

k. Landscape and character effects;

l. Noise and vibration;

m. Building bulk and design;

n. Water take and supply;

o. Contaminated soil;

p. Wastewater treatment and disposal;

q. Infrastructure requirements;

r. Greenhouse gas emissions effects;

s. Hazardous substances storage.

132 The Panel has addressed these effects thematically throughout our discussion below. The Panel has also had regard to the relevant planning provisions in evaluating the effects of the Proposal, as noted in Part I: Planning Framework.

133 In terms of the relevant receiving environment, the Panel has considered the test in *Hawthorn*.[33] The environment includes that which presently exists. It also

> *…embraces the future state of the environment as it might be modified by the utilisation of rights to carry out a permitted activity under a district or regional plan or by the implementation of resource consents which have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.*[34]

134 Section 104(2) RMA provides further that when considering the environmental effects of a proposed activity, the consent authority may disregard an adverse effect of that activity if a NES or plan permits an activity with that effect.

135 These provisions have limited relevance in this case, other than to the Panel's consideration of noise effects and effects of potential future electricity infrastructure.

Monofill

136 As described in Part B above, the Project will involve the installation of a shredder and material recycling recovery facility at the Site. The shredder plant will primarily shred end of life vehicles, however there may also be whiteware metals such as fridges, stoves and washing machines.

137 The shredding process typically recovers ~75% by mass of material processed for recycling, the remaining 25% is described as waste 'floc'. Fuels, coolants and oils will already have been drained prior to processing, resulting in the floc comprising a finely shredded mix of metals, plastics, rubber and leather.

138 The Applicant estimates up to 200m^3 (100 tonnes) of floc will be produced daily and proposes to construct two monofills located in the southwest and northeast of the Site to place this material in.

139 Monofills are described in the Waste Minimisation (Information Requirements) Regulations 2021 as a facility that accepts waste for disposal that:

[33] *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424.

[34] Ibid, at [84].

a. discharges or could discharge contaminants or emissions; and

b. is generated from a single industrial process (e.g. steel or aluminium making) carried out in one or more locations.

140 In New Zealand, monofills are regulated under a combination of the Waste Minimisation Act 2008 and the RMA. Unlike Class 1 to 5 landfills, they are not subject to the waste disposal levy, but do have mandatory reporting requirements. Newly consented Class 1 to 4 landfills are designed, constructed and operated in general accordance with the Waste Management Institute New Zealand (**WasteMINZ**) Technical Guidelines for the Disposal of Waste to Land. While these guidelines do not specifically address the design, construction and operation of monofills, guideline design principles are valid and aspects of them have been referenced in the Application.

141 The Applicant considers the floc has future resource potential, including use as thermal fuel in a waste-to-energy plant. The AEE states that, as fill comprises a single material (i.e. is uncontaminated with other materials), there is potential for it to be mined and recovered later for recycling or reuse as part of a 'circular economy'. Currently, floc produced at the Applicant's parent company plant in South Auckland is disposed of to landfill.

142 The engineering design of the monofills was completed by Earthtech, which is now called Envitech. The design was presented in the Monofill Engineering Report (Attachments 17A and 17B to the AEE). These documents contain the preliminary monofill design, as well as construction and management information.

143 Earthtech also prepared the Monitoring Plan and Evaluation of Surface and Groundwater Effects (Attachment 18 to the AEE). This presented an assessment of effects of the two monofills on the receiving environment and covered effects on groundwater, surface water, and air quality. It also characterised the floc material and discussed the potential for losses of leachate from the monofill.

Overview of the monofill proposal

144 The following sections provide an overview of the proposed monofill design and operation to inform reading of the comments received, the Applicant's responses and the Panel's findings.

Leachate characterisation

145 The main environmental risk from the monofills is from leachate losses that may enter the receiving environment. Leachate quality predictions were presented in Table 1 of the Monofill Monitoring Report (Attachment 18 to the AEE, refer Figure 5 below). These predictions were based on the results of a 2019 assessment by Tonkin and Taylor of floc leachate quality and a 2025 lysimeter trial carried out by Earthtech. Both studies were laboratory/trial studies and no results from operating floc monofills have been

presented, which the Panel understands is because there are very few, if any, other operating floc monofills globally.

Leachate Quality Predictions*						
Leachate Quality Parameter	Units	Long Term Leaching Strength	High Strength Monofill Leachate	ANZG (2018) DGV[1] 80% Species Protection	ANZG (2018) DGV[2] 95% Species Protection	NZ Drinking Water Standard (2022)
pH	-	>7.0 <7.8	7.0 to 7.1	-	-	-
PFAS	µg/ℓ	<0.1	0.700	-	-	0.63
Boron	mg/ℓ	0.6	**1.9**	2.5	[illegible]	4
Chromium (Cr)	mg/ℓ	<0.1	**1.00**	0.04	0.001	0.05
Copper (Cu)	mg/ℓ	<0.1	**0.3**	0.0025	0.0017	2
Iron	mg/ℓ	<0.1	0.5	-	-	-
Lead (Pb)	mg/ℓ	<0.1	**0.3**	0.0094	0.0044	0.01
Manganese (Mn)	mg/ℓ	0.1	2.0	3.6	[illegible]	0.4
Nickel (Ni)	mg/ℓ	<0.1	**0.4**	0.017	0.011	0.08
Zinc (Zn)	mg/ℓ	<0.1	**2.8**	031	0.0096	1.5
Ethylene glycol	mg/ℓ	<20	<2[illegible]	[illegible]	-	-
Chemical Oxygen Demand (COD)	mg/ℓ	<100	<10[illegible]	-	-	-
*based on lysimeter trials set up on 27/01/2021						
Notes: 1. Default Guideline Valu[illegible]ideline - 80% Species Protection 2. Default Guideline Value Freshwater G[illegible]ideline - 95% Species Protection 3. Bold denotes exceed[illegible]nce of ANZG (2018) DGVs						

Figure 5: Leachate predictio[illegible]: Table 1, Appendix 18)

Landfill Liner

146 The proposed lining syste[illegible] is a 1.5mm HDPE textured geomembrane overlying a 5mm thick Geosynthetic Clay Liner (**GCL**). This is a single composite Class 1 liner based on the WasteMINZ Guidelines. A Quality Control Plan for the liner construction and installation has been provided with the Application.

Underdrain

147 An engineered underdrainage system will be installed beneath the liner system in each [illegible]. This under drainage will ensure the groundwater level will be kept below the base of the liner. The underdrainage system shall also act as a form of leak detection system if the liners develop a leak. Based on groundwater levels observed at the site, Earthtech expects the drainage to only function seasonally (i.e. when water tables are high).

148 Drainage from beneath the southwest monofill is to be directed into a stormwater channel flowing into the stormwater retention pond (**SRP**). Subsoil water discharge from the northeast monofill shall continue to discharge to the existing receiving environment.

Leachate Production Estimates

149 The Applicant presented a simple water balance to predict leachate generation rates. The results were presented in Table 6.2 of the Earthtech Monofill Engineering Report (Attachment 18 to the AEE). Long term leachate generation rates across both monofills were estimated to be 20m^3/day, with a peak of 25m^3/day.

Leachate Collection

150 Leachate will be drained from the monofill via HDPE 150mmØ perforated pipe drainage lines along the length of each valley to an outlet and a discharge chamber below the toe bund. The drainage pipes are installed into a 200mm thick gravel collection layer.

151 Leachate from each monofill will be pumped into 2 x 25,000 L (SW) and 1 x 25,000 L (NE) storage tanks, from where it is transferred into a tanker for treatment off site.

152 Leachate heads will be maintained to no more than 300mm within the monofills. In emergencies, leachate can be allowed to build up within the monofills which act as a large storage vessel.

Liner Leakage

153 An assessment of liner leakage rates was presented in the Monofill Monitoring Report. The calculation was based on published leakage rates for a properly designed and constructed single composite liner on a clay-based subgrade. Leakage was calculated as 0.0010 m^3/ha/day. This translates to 1.46 L/day for the southwest monofill liner area (area = 45,160m^2).

Landfill Cap

154 The proposed final cap design comprises a 200mm thick topsoil layer, overlaying compacted layers of on site soils of a combined depth of 600mm (track rolled or light compaction) suitable for long-term grass growth. These layers are to be placed over a 200mm thick intermediate soil cap. No target hydraulic conductivity for the cap is proposed.

Proposed Monitoring

155 A monitoring programme is proposed that includes monitoring of leachate, groundwater, surface water and subsoil drainage. Analysis of a suite of parameters is proposed, including PFAS compounds. The Monofill Monitoring Reporting includes the proposed methodology, aforementioned analytical suites, and location plans.

Water Supply Well

156 The test water supply bore (BH42) is situated within the footprint of the proposed SW monofill. Several options for how this might be managed in the future have been discussed, including sealing the liner around the borehole, and continuing to use the bore as a water supply, while the monofil is constructed around it.

Comments Received

157 Initial feedback from WRC (dated July 2025) was provided as Appendix 30 to the AEE. Key issues raised by WRC at that time included:

a. There being insufficient detail with respect to subsoil water discharge arrangements for the northeast monofill.

b. The completeness of the proposed monitoring regime (including PFAS parameters and groundwater monitoring bore arrangements and surface water sampling locations).

c. Fire risk contingency planning.

d. Cleanfill acceptance criteria requiring updates to WRC standards; and

e. The lack of a bond.

158 WRC provided its substantive feedback in November 2025, following an extended period of consultation between the Applicant and WRC. A key outcome was a revised set of conditions that addressed most of WRC's concerns (as above). Key matters discussed in WRC's substantive feedback regarding monofills were:

a. Confirmation of the Applicant's acceptance of a bond to ensure the monofills are appropriately safeguarded; and

b. Inclusion of draft conditions requiring baseline monitoring of the Waipapa Stream.

159 Following receipt of WRC's feedback, the Panel engaged experts from GHD to provide additional technical review and feedback on the Application. As outlined at paragraph 80 of this decision, Anthony Dixon was engaged to advise on monofill engineering, Debbie Fellows for geotechnical and Michelle Farrell for erosion and sediment control matters. The Panel sought to engage these experts in order to obtain a more detailed review than that provided by WRC, particularly in regard to engineering-specific aspects.

160 Enviro NZ, operators of the nearby Hampton Downs Landfill provided comment on 18 November 2025. In relation to the monofill, they raised concern over fire risk, noting that floc is a very combustible material. They requested conditions that require management of material to prevent fire and to avoid the storage of specified materials (e.g. batteries). Enviro NZ also noted that Hampton Downs can take the floc waste, so questioned whether the creation of monofills at the Site provided any regional benefit.

161 David and Wendy Saxton, neighbours to the Site, provided feedback regarding the location and potential effects of the Proposal. They noted that the proposed monofill sites are close to the property boundaries. They were concerned that the monofills would produce airborne contaminants including highly toxic PCBs and with the potential for catastrophic fire amplifying this toxic effect, and that the monofills would produce toxic run off/leachate.

162 Ngā Muka provided comment on 20 November 2025, stating that floc disposal should not operate within the Whangamarino area, that a regimental monitoring and testing

regime should be implemented, and that ground and surface water treatment and discharges were to comply with WRC requirements.

163 Waikato-Tainui provided comment on 18 November 2025 wherein it expressed concerns regarding the potential impact of monofill operations on the Waipapa Stream and its associated hydrological network. Waikato-Tainui requested that all potential effects associated with the proposal were avoided, remedied, or mitigated using the highest standards or measures.

164 WDC provided feedback seeking clarity on the management of floc, should recycling become unviable (i.e. should the monofill stay in place in perpetuity). WDC also expressed support for WRCs propose bond conditions.

Applicant's Response to Comments

165 In its memorandum dated 25 November 2025, the Applicant provided responses to the comments received (as outlined in para 81 above). The key responses in relation to monofills are summarised below.

166 With regard to the potential for leachate to impact the Waipapa Stream, no further information was provided but it was stated that *"the proposed monofills have been designed with Class 1 liner systems to intercept leachate and avoid it being discharged into the ground".*

167 In response to WRC's feedback, the Applicant noted that further refinement of conditions had been completed with WRC on 21 November 2025, and referred to monofill conditions 8, 9, 13, 14 and 15 as well as stormwater conditions 16 and 19 in relation to baselines, the ongoing monitoring of Waipapa Stream and additional ongoing monofills monitoring.

168 In response to the Saxtons' concerns, the Applicant stated that it would follow international best practice and engineer the monofill to reduce leachate and fire risk.

169 In response to Envirn NZ's feedback, the Applicant reinforced that the monofills will only be used for floc from plant operations and will not be open to the public. Moreover, it confirmed that nothing other than shredder waste would be put into the monofill.

170 In response to WDC's feedback regarding uncertainty of future reuse, the Applicant restated its acceptance of a bond condition as a safeguard for future environmental management.

Feedback from GHD Review

171 As noted, the Panel engaged Anthony Dixon of GHD to provide a technical review of, and substantive feedback on, the proposed monofills. Mr Dixon had several concerns about the limited design detail provided for the monofills, with the Applicant deferring much to the detailed design phase. Concerns were also raised about the risk of leachate losses from the monofill and effects on the stream and groundwater.

172 The following points summarise the areas of concern identified by GHD:

a. Fire Risk – GHD stated that the application did not adequately address fire risk and considered a fire management plan should be developed to stipulate:

   i. Minimum daily cover of 150mm non-combustible material

   ii. No greater than 200m^2 active monofill face

   iii. Several other requirements, including setbacks, water supply, IR cameras, removal of batteries from floc, and monitoring.

b. Calculation of leachate quantities – GHD made several suggestions regarding the calculation of leachate generation. These suggestions were on the basis that with less leachate generated, the lower the risk of leachate loss from the monofil.

   GHD raised concern that, because the cap did not meet the WasteMINZ minimum hydraulic conductivity of 10^{-7} m/s, greater than the 7% of the annual rainfall estimated in the AEE would infiltrate the waste, thereby generating more leachate than predicted. GHD recommended a GCL sealing layer in the cap to minimise leachate production.

   Other suggestions from GHD regarding leachate quantities included:

   i. That more detailed water balance modelling should be carried out, such as using the industry standard Hydrologic Evaluation of Landfill Performance model.

   ii. Request evidence that Watercare would continue to take the estimated volumes of leachate for treatment.

   iii. Justification of the rainfall infiltration used in assumptions.

c. PFAS – GHD noted that the Application had not included reference to the PFAS National Environmental Management Plan (**NEMP 3.0**). The NEMP 3.0 includes guidance on the concentrations of PFAS in leachate and waste and based on the concentrations, recommends the landfill and liner type to protect groundwater from leachate.

   The Pilot Study carried out by Earthtech did not use the PFAS leachate testing methodology (**ALSP**) recommended in the NEMP 3.0 guidance. Therefore, it is unclear if the waste used in the pilot scale testing would be representative of the waste to be landfilled over time.

d. Stability – the Applicant had not provided sufficient information to determine if the liner stability would be sufficient to manage potential adverse discharge risks.

e. Operational competency.

f. Landfill Gas – the Application did not include any assessment of landfill gas productions, and no monitoring of landfill gas was included.

g. Effects on groundwater – GHD raised concerns regarding the assessment of groundwater impacts at the boundary and on the Waipapa Stream, as well as the lack of sensitivity testing on this matter.

Applicant's Response to GHD Feedback

173 Following receipt of the GHD comments the Panel invited the Applicant to comment in Minute 9. Feedback was received as a combined response to Minutes 6, 7 and 8.

174 The Applicant's Counsel responded stating that GHDs comments were premised on the assumption that the proposed monofill is a conventional landfill and noted that, while there are operational similarities, monofills differ fundamentally in material type, design, and environmental considerations. The Panel's view on this is discussed further below.

175 Technical responses to GHDs review were prepared by EnviTech and presented in a technical memorandum, attached to the Applicant's memorandum of Counsel.

176 EnviTech supported the inclusion of a fire management plan as a condition of consent and a draft condition was proffered. With regard to the daily cover requirements, EnviTech did not agree with GHD's recommendations, citing the desire to have alternative cover options (such as tarpaulins and spray on foams), and a desire to limit the amount of soil in the monofill because that might affect ability for floc reuse.

177 In response to GHD's comments on leachate production rates and management, EnviTech provided a response that:

a. Declined to carry out any further water balance modelling citing the HELP model is too theoretical.

b. Did not provide any further references for the source of leachate generation rates used in the application.

c. Did not accept that the proposed cap could result in greater than the 7% of rainfall used in the application calculations (which would result in higher generation rates than predicted).

d. Recognised that a trade waste agreement will be required but is not yet in place.

e. Stated GHD's concerns that leachate could enter surface water were not credible.

178 Regarding PFAS and liner selection, EnviTech did not expressly address GHD's concerns that the NEMP 3.0 had not been used to inform liner selection. Rather, several other international studies were referenced and the comment made that it is useful to look beyond an Australasian context. EnviTech reiterated their position that the Class 1 liner is appropriate and compared its application to other New Zealand municipal waste landfills which have PFAS present and have been consented to operate with a Class 1 liner.

179 Regarding landfill gas, EnviTech presented their view that because the monofill would not contain material that would biologically break down, there was no reason to monitor for landfill gas.

180 Regarding the location of the groundwater bore hole being in the middle of the proposed monofill footprint, EnviTech remained of the opinion that it could be either grouted/sealed if it did not progress to a production bore, or an engineering solution could be adopted to allow it to remain operational while the monofill was built and operated around it.

Expert Conferencing and Requested Further Assessments

181 Following the Applicant's feedback on the GHD technical review, there were still several points of disagreement. To try and get some resolution on these technical matters, the Panel directed expert conferencing to take place – as outlined at paragraphs 63-64 of this decision. The Panel considered matters including leachate generation, leachate management and potential for offsite discharges very important and requiring further consideration.

182 The following paragraphs provide an overview of expert conferencing topics and outcomes, as recorded in the JWS.

Fire Risk

183 Agreement was reached that floc waste will be covered at the end of each operational day by a minimum of 100mm non-combustible material, or alternatives as approved by the WRC, in accordance with the Monofill Management Plan. New monofill activity conditions 15-20 were developed to reflect this.

184 All parties agreed that there is sufficient total quantity of cover material available, no further action was necessary.

185 All parties agreed the main cover material will be soil, with a working face of up to 200m^2, and that alternative cover material could be considered subject to council approval.

Leachate

186 There was not agreement on the adequacy of leachate calculations, with significant discussion had regarding the proposed capping permeability, lack of temporal modelling of infiltration, and amount of evidence (or lack thereof) to justify the input parameters used.

187 There was agreement reached that EnviTech would carry out a further assessment of leachate generation rates, with Anthony Dixon (GHD) to contributing to the parameters used. This modelling was completed by EnviTech and the updated information issued in a memorandum dated 2 February 2026. Anthony Dixon was not included in this process, and it is unclear to the Panel why he was not.

188 Two approaches to the calculation of leachate volumes were presented – 'A' based on input parameters informed by Envitech's actual data obtained from local sites and experience and knowledge and 'B' based on a traditional water balance approach.

189 Method B predicts a maximum daily leachate production rate of approximately 72m^3/day. This can be compared to Method A which predicts a maximum daily leachate production rate of approximately 39m^3/day. These volumes are both higher (2 to 3 times) compared to the original assessment which predicted a peak daily rate of 25m^3/day.

190 Envitech stated that their preferred approach at concept design stage is 'A' due to uncertainty in the properties of the floc material and uncertainty in site specific climatic parameters.

Liner Selection

191 The parties agreed that NEMP 3.0 is to be followed. The Panel regarded this as a significant agreement because the original application did not reference the NEMP and the Panel considers the management of PFAS contaminants to be one of, if not the main environmental consideration with the monofills.

192 The parties agreed further testing in accordance with the NEMP is required to inform detailed design and that the results would be used to determine whether a single or double composite liner would be required. The NEMP requires ongoing (6-monthly) testing of the floc prior to placement in the monofill.

Groundwater Assessment

193 The parties agreed that a further groundwater assessment including sensitivity analysis of the groundwater model, review of the suitability of adopted dilution factors and a revised assessment of effects (at the boundary) considering 99th percentile NEMP 3.0 ecological criteria should be undertaken.

194 The Applicant engaged Stantec to carry out this analysis and the results were provided in the Stantec Technical Memorandum dated 2 February 2026.

195 Stantec's sensitivity analysis included:

a. Doubling of the flow of leachate through the monofill base at 8.6 L/day to account for approximately double the number of defects.

b. 100% leachate leakage to groundwater based on assumption of no subsoil drain (c.f. original calculation of 50% leakage to groundwater based on 50% collection via subsoil drain).

c. Assumed aquifer depth of 4m and 330m width (c.f. original calculation based on 50m depth).

d. Assumed 300mm head of leachate above liner.

e. Confirmed that original calculations used conservative hydraulic conductivity parameters (K) for the observed soil type so left the modelling with these K values.

f. Assumed very low stream flow rates of 0.5 L/s and 1 L/s based on likely low flow stream conditions.

g. Used Earthtech's first wash TCLP concentrations from the Lysimeter trials for the loading rates.

196 The results of this sensitivity assessment predict that even in low flow stream conditions, the concentrations (including for PFAS) will be within the relevant ecological and drinking water guidelines. In addition to this, Stantec noted that these calculations were conservative and do not take account of natural attenuation processes that would reduce concentrations further prior to discharge within the Waipapa Stream.

Northeast (NE) Monofill

197 Given the high degree of uncertainty and concerns around liner stability in the NE monofill design (due to limited site investigation being undertaken), all parties agreed that a consent condition was required to address monofill slope and liner stability, as well as earthworks including stockpiles at the detailed design stage such that this is achieved for each monofill footprint. A new condition (Condition 32) was subsequently proposed by the Applicant.

Monofill Gas

198 Despite previous disagreement on the matter, all parties agreed that a condition requiring the sampling of monofill gas should be included (Condition 36).

Maximum leachate level

199 The Panel had asked whether a maximum leachate level should be set as a consent condition and if so, what this level should be. All parties agreed that maximum leachate level is to be conditioned at 0.3m above the liner and exceedances of this are best managed by way of a reporting condition linked to the Monofill Management Plan (Condition 5).

Neighbouring Land effects

200 The Panel asked the experts to conference on the scale of the off-site effects of fill loading, dewatering and settlement, and how they should be managed. All parties agreed to including consent condition and monitoring regime containing a settlement tolerance level (50mm trigger) where the onus is on the applicant to ensure settlement and potential groundwater migration does not have effect on neighbouring properties.

Further responses following expert conferencing

201 Responses to expert conferencing supplementary information were received from Anthony Dixon and Jonathan Caldwell of WRC.

202 Jonathan Caldwell provided a useful summary of the additional assessment carried out by Earthtech in his memorandum dated 12 February 2026. The Panel was appreciative of Mr Caldwell's clear and concise writing style which aided the Panel in interpreting what are quite technical matters. Mr Caldwell noted that the memo also does not address how leachate volumes will impact on monofill stability (EnviTech had agreed to run numbers for 3m leachate head in response to concerns by Debbie Fellows and Anthony Dixon of GHD on leachate level impact on monofill stability).

Leachate Volumes

203 Anthony Dixon provided his feedback in a memorandum dated 13 February 2026 and reiterated the consequences of underestimating leachate productions. He noted that in both leachate calculations provided by EnviTech post-conferencing, other than rainfall, the key parameters are neither justified nor assessed by sensitivity analysis.

204 Mr Dixon adjusted the parameters in Method A to gain greater understanding of the potential leachate volumes that may be generated by the monofills. His revised modelling considered a final cover rainfall infiltration of 25% which he considers more aligned with the capping system proposed to be installed.

205 Based on the adjusted modelling, this would result in a leachate generation rate for both monofills of a peak monthly rate of 133m^3/day and 21,700m^3/year. Based on a standard tanker volume of 30m^3 this would equate to 5 tankers a day in the peak modelled month or 724 tankers each year needed to maintain leachate levels within 300mm from the floor of the landfill.

206 In comparison, the Applicant calculated a leachate generation rate for both monofills of a peak monthly rate of 37.4m^3/day and 6,076m^3/year. Using the same tanker volume of 30m^3 this would equate to two tankers a day in the peak modelled month or approximately 200 tankers a year.

207 Mr Dixon concluded that by adopting a geomembrane as the barrier in the final cap, in the order of 1% of rainfall infiltration could be achieved. This would generate a peak daily leachate quantity of 5.3m^3/day and 868m^3/year. Using the same tanker volume of 30m^3 this would equate to six tankers a month in the peak modelled month or approximately 30 tankers a year.

208 Mr Dixon noted that the Applicant claimed in the expert conference it would be beneficial to flush the waste with higher rainfall infiltration – this was rejected by Mr Dixon on the basis that generating additional leachate volumes will increase the risk of environmental impacts.

Liner Selection

209 Mr Dixon considered there were still several uncertainties in some of the inputs of Stantec's work, including no evidence of streamflow conditions, no background concentrations or baseline of PFAS concentrations, and uncertainty in the PFAS concentrations used in the calculation because NEMP testing methodology was not followed.

210 Due to these uncertainties, Mr Dixon reiterated his view that a double composite liner for the monofills is required, unless further work is undertaken to address the following gaps:

a. Stream flow data for a range of climactic data (focusing on dry weather).

b. Background PFAS and related compounds (so that cumulatively the contribution from the landfill would not exceed the NEMP 3.0 99th level of protection criteria).

c. Testing of representative samples of the floc waste in accordance with the test methodology in NEMP 3.0 (and ongoing testing periodic so that if needed future areas of the monofills could be double lined).

211 Edits to the draft conditions also accompanied this feedback.

Panel Findings

212 The Panel has invested significant time into its decision concerning the proposed monofills. We recognise this is a very technical area and we have been heavily reliant on the technical input and feedback provided by all parties.

213 In making our decision around the approval of the monofills, the Panel has tried to balance the need to provide for the intended functioning of the Project, whilst recognising the sensitives of the receiving environment, particularly the ultimate receptor of the Waikato River and the stakeholders seeking to protect this water body. As to the Applicant's proposed intention to reuse the floc in the future, there is no certainty, or even probability, that it will be reused. Moreover, there is no facility in New Zealand that could use it as a feedstock. With this in mind, we have approached our assessment of the monofill with the expectation that once filled and capped, it will be there for decades, as would a municipal landfill.

214 The Panel has had to err on the side of caution with some of the approvals related to the monofill. From the outset, the Application lacked the usual level of detail expected for an application of this nature. There is little baseline environmental monitoring data and the designs, particularly for the northeast monofill, are high-level and conceptual. A significant amount of site investigation and assessment is required prior to detailed design being completed.

215 Furthermore, despite requests and opportunities to respond, the Applicant's consultant EnviTech has not been forthcoming in the provision of evidence to justify assumptions used throughout their calculations. The Panel was instead encouraged to trust experience over evidence or referenced sources on several occasions, which has resulted in the Panel taking a precautionary approach in its decision making. Lastly, the Panel was disappointed that, despite the agreement reached in the expert conferencing, EnviTech did not engage with GHD prior to issuing the revised water balance modelling. This was a missed opportunity for collaboration that may have achieved a better outcome.

216 Notwithstanding, the Panel has considered the information in detail and has decided to approve the construction of the monofills, subject to the following design criteria:

In accordance with NEMP 3.0

217 The original application did not reference the NEMP 3.0 which is the guideline adopted by the Environmental Protection Agency of New Zealand for the management of Per- and poly-Fluoroalkyl substances (PFAS) contamination in the environment.

218 The NEMP provides guidance on the type of containment (liner) required depending on the leachable and total concentrations of PFOS and PFHxS present in the source material (floc). The acceptance of this guideline by the Applicant provides a level of assurance to the Panel that the floc will be managed and monofill constructed in accordance with the most up-to-date guidance available in New Zealand.

Landfill Liner

219 The Panel recognises that the primary environmental risk from the proposed monofills is the loss of leachate through the base liner (or any other failure of the monofill, such as a seismic induced failure, or slope stability induced failure). With the adoption of the NEMP 3.0 as guidance, the Panel expects that the liner type adopted will be in accordance with this guideline.

220 The Application proposes single composite Class 1 type liner (HDPE over GCL). In line with our precautionary approach, the Panel agrees with the advice from GHD that given the uncertainties and information gaps present in the Application, a double composite liner should be required. Should the Applicant address the gaps identified (stream flow assessment, background PFAS survey, testing of floc in accordance with the NEMP), then the liner design can be reviewed by WRC either on application by the consent-holder or under s 128 RMA.

221 Condition 6 of the Authorisation for Monofill Activities addresses these issues.

Landfill Cap

222 Considering the primary environmental risk from the monofills is the discharge of leachate potentially containing PFAS or other contaminants, the Panel considers that a capping design intended to reduce the volume of leachate produced is required. The cap design currently proposed does not have any specifications for hydraulic conductivity, which the Panel understands to be highly unusual for a modern monofill or landfill facility, and would not meet the Waste MINZ guideline of a minimum 10^{-7} m/s.

223 The Panel's expert Anthony Dixon recommends the final capping system requires a geomembrane in it. This would significantly reduce the infiltration of rainfall into the monofill. The Panel support this recommendation on the basis that reduced leachate volumes require less management and present less environmental risk, fewer tanker movements, and fewer volumes being disposed of at off-site facilities.

224 We acknowledge the concerns of the Applicant regarding a geomembrane capping system being harder to manage once the monofill is full but also understand that settlement should be less than a municipal landfill given the uniform nature of the material, and limited organic material to breakdown and settle.

Monitoring

225 The Panel is supportive of the revised monitoring plan and conditions that WRC provided in its substantive feedback (based on Jonathan Caldwell's review, dated 12 September 2025). The revised monitoring plan now includes monitoring of Waipapa Stream water quality (originally absent) for a comprehensive analytical suite including PFAS compounds.

Earthworks

Extent of earthworks

226 An integral part of the Proposal is the extensive site works required to provide a large flat surface for the steel mill plant and associated operations. The plant is to include a

steel melt shop and rolling mill buildings which are extensive in their footprint. These main buildings, in combination with ancillary buildings, require a level platform area of 32.7 ha. This has been set at RL14m. Major earthworks to entirely recontour the Site to achieve this platform is required, over 48 ha of the 53.7 ha site. In addition, earthworks are required to establish the proposed two proposed monofill facilities on Site.

227 The AEE details the earthworks proposed, as supported by the relevant civil engineering assessments which address geotechnical, monofill design and erosion and sediment control (all prepared by Earthtech Consulting Ltd). The Site is proposed to be almost entirely reshaped, from its current southern ridgeline (at RL45m) to the northern boundary (currently at RL5). This is to be undertaken with cut (up to 20m) and fill (10m) which will equate to earthworks volumes of 1,918,000 m³ of cut and 1,935,120 m³ of fill. The AEE notes that the cut figure includes the two monofill facilities. Any surplus is to be used in screening and landscape embankments and preloading. An illustrative image of the extent of these works and final landform is shown in Figure 6 below.

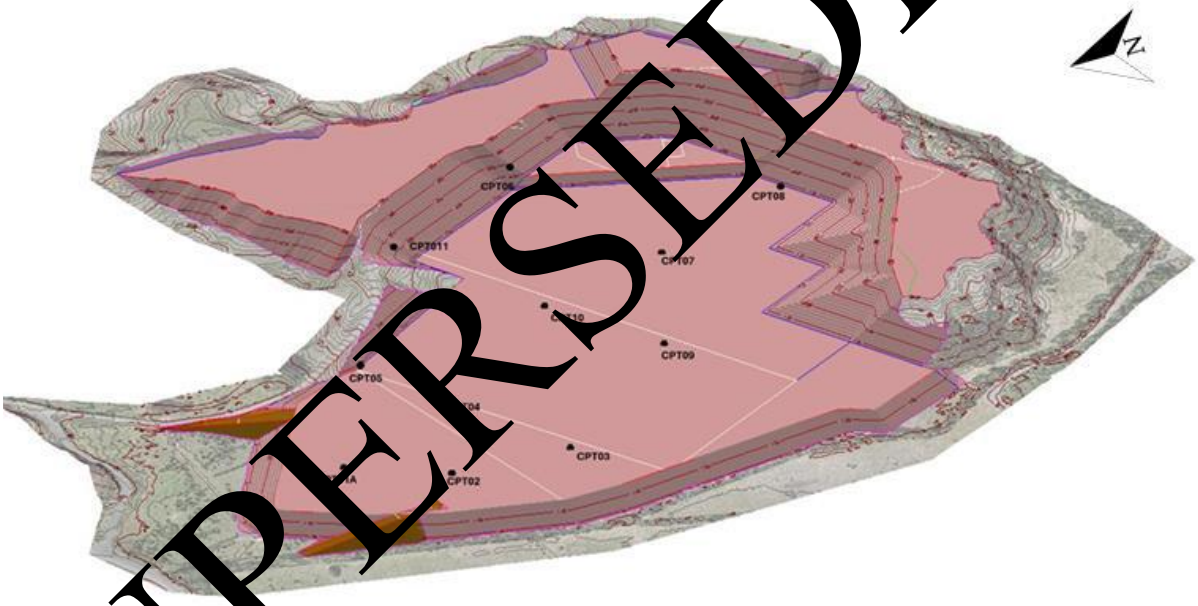

Figure 6: 3D illustrative image of the site showing the extent and final landform of the proposed earthworks (Source: Earthtech Report, AEE Attachment 12)

228 The earthworks are to be undertaken in three stages, with the first (main) stage including the SW monofill excavation and cut and fill to create the main building platform (at RL14) within the Site. It appears that the creation of the smaller NE monofill is beyond the initial three stages of site works.

229 The AEE acknowledged that *"Earthworks will require careful engineering and management with the provision of strategically positioned stormwater retention and settlement/stilling pond(s) to minimise sediment loss from the earthworks catchment areas and the site overall"*.[35] The Application includes a draft Erosion and Sediment

[35] Assessment of Environmental Effects, section 4 (at para 4.18), page 26.

Control Plan (E&SCP) which requires that these controls are to be in place prior to site works commencing and are to be in accordance with the WRC Erosion and Sediment Control: Guidelines for Soil Disturbing Activities, January 2009.TR 2009/02. The controls are to comprise diversion drains, decanting earth bunds, and stormwater sediment retention ponds. It is understood that the extent of the earthworks (which is clearly very large) is to be undertaken in 'cells', each with its own sediment retention pond, with no more than 5ha exposed at any time.

230 Specific construction management controls have also been considered as part of the Application. These include a buffer area to the Waipapa Stream (with a proposed 10m setback), along with measures to control likely effects from the site works as detailed in a construction management plan (to address dust, noise and soil stabilisation measures). These measures and controls are described in conditions under both WRC and WDC consents, with more detailed conditions provided in the WRC set as they relate to the authorisation for earthworks and overburden placement.

231 It is noted that under the WRC proposed set there were conditions related to 'Cleanfill', where cleanfill material is imported and deposited on site. However, the Application does not seek consent for a cleanfill operation and the cut to fill balance as described in the Application does not require the importation of material for the earthworks. Rather, there will be a surplus of fill. While the earthworks authorisation includes overburden, the Application does not refer to any need for imported material. It therefore appears that any 'cleanfill' activity conditions are redundant and could cause confusion if they are interpreted as authorising a cleanfill. It would therefore seem to be unnecessary and inappropriate for the conditions to include reference to a 'cleanfill' activity.

Erosion and sediment control

232 A draft Earthworks Management Plan (**EMP**) and E&SCP have been provided in the report by Earthtech (23 May 2025). This provides detail as to the methodology of the site works proposed and the mechanisms to control and mitigate effects associated with the land disturbance and discharges likely to result from the extensive earthworks. The details for these plans rely in part on further geotechnical investigations, which will inform the final design of the steel mill plant, including foundations.

233 The Earthtech report identifies the control of sediment loss across the site during site works as a fundamental consideration. Measures to reduce the effects of this include undertaking works in dry weather and ground stabilisation, as matters described and managed through the EMP and E&SCP.

Comments Received

234 No specific concerns regarding earthworks effects were raised in comments received. Confirmation was received from both WRC and WDC that engagement with the Applicant had been ongoing, including with regard to construction and earthworks related conditions.

Applicant response to comments

235 The Applicant confirmed it is committed to continued engagement with WRC and WDC in refining and finalising the earthworks authorisation conditions.

Panel Findings

236 The Panel notes the magnitude of the earthworks proposed, with the site recontouring requiring 1.9 million m³ of cut/ fill works. This will significantly alter the Site's topography, with the potential for adverse effects if not properly managed and controlled. The Panel acknowledges the collaborative approach taken by the Applicant in working with WRC and WDC to develop and refine the earthworks conditions.

237 The avoidance or minimisation of adverse effects during earthworks requires careful overall site management and relies on the E&SCP and EMP implementation, monitoring, contingency and review. The Panel considers that the proposed earthworks conditions are robust and should provide the necessary controls to manage and monitor the earthworks and associated effects.

238 However, the Panel does not consider it necessary for there to be a specific 'cleanfill' condition. No cleanfill activity was included, or sought to be consented, as part of the Application and the earthworks cut/ fill balance did not identify the need for imported fill. Accordingly, the proposed cleanfill conditions have been removed from the WRC 'Authorisation for Earthworks' set of conditions.

239 The Panel notes that effects related to the proposed monofill construction and operation have been addressed separately in this decision. The above earthworks section has focused on earthworks required to establish the steel plant and the monofill platforms. The Panel finds that effects from these earthworks will be satisfactorily managed by way of conditions, which include the E&SCP as being fundamental to the design, control and monitoring of site works.

Air quality effects

240 As described above, the Project requires consent for discharges of contaminants to air in relation to both the monofil and the steel mill process activities. Air and dust emissions are associated with both the construction phase (for both the monofils and the steel manufacturing buildings) and operational processes.

241 The Application included an air quality assessment (Air Quality NZ Ltd, May 2025). This assessment, which considered potential air quality effects associated with discharges from the Project, took into account topography and local meteorology (principally wind speed and direction) against the range and characteristics of the activities proposed. The Air Quality NZ assessment concluded that the Project would comply with all relevant air quality standards and guidelines.

242 A supplementary letter report was provided by Air Quality NZ (21 November 2025) responding to comments received related to air quality discharges. This is discussed below.

243 Technical advice was received from WRC (memorandum, Rachael O'Donnell, 15 September 2025) which reviewed and amended recommended conditions provided by the Applicant. No outstanding matters were raised.

Construction

244 Construction of the steel mill involves substantial earthworks, required to recontour the Site in order to form the main building platform upon which to accommodate the large

mill buildings (of 32.7ha); plus access roads and parking; scrap yards and associated site facilities. The main discharge emissions effect has been identified and acknowledged in the AEE as dust nuisance.

245 The AEE describes a qualitative assessment method (FIDOL) used in the consideration of factors that influence dust emissions. This takes into consideration frequency, intensity, duration, offensiveness and location. Contributing factors to adverse dust effects from construction are identified as including unsealed roads during construction and earthworks; temporary stockpiles; vegetation removal; and adverse weather conditions.

246 A number of management plans are offered, as conditions, by the Applicant. These include a Dust Management Plan (**DMP**) and wider Construction Management Plan (**CMP**); as measures to mitigate the potential adverse effects of construction dust. Compliance with these management plans and monitoring of complaints and exceedances is also covered in conditions.

Monofill

247 Two separate monofill locations are proposed, located to the Northeast and the Southwest; at an area of 2 ha and 6.1 ha, respectively. The construction and operation of the monofills have the potential to create air quality and dust emission effects. The Applicant has acknowledged that part of the northwestern monofil will be within 150m of a dwelling (Air Quality NZ, May 2025, para 10.3, pg. 49) and therefore has the potential to result in dust effects (principally from the disposal of waste floc) if not appropriately controlled. A range of dust suppression measures are proposed, including the transportation method from the processing plant; compaction in the monofill; and the use of screens.

Operations

248 The proposed structural steel manufacturing plant is to use EAF technology to create molten steel from shredded recycled steel. Primary air discharge sources from these processes have been identified as being from the steel melt shop baghouse, the reheating furnace and the rolling mill. Key emissions associated with these operational processes have been identified in the AEE, which include particulate matter, lead, zinc, sulphur dioxide, nitrogen dioxide, and carbon monoxide.

249 The Applicant has assessed effects from these air discharges using atmospheric dispersion modelling. This is reliant on buffer distances, emission control technology and the height of stacks (at 55m and 56m high). These measures and design parameters are reflected in conditions, in order to ensure that the guidelines for human health are met. An overarching Air Quality Management Plan (**AQMP**) is detailed in conditions for the ongoing control, mitigation and monitoring of air quality effects, along with a separate air discharge complaints monitoring protocol.

Comments Received

250 Of the seventeen parties from whom comments were received, five raised concerns in respect of air quality and emissions. These were from property owners adjoining the site (Enviro NZ, Corrections, WEL, Mr and Mrs Saxton and Harness Downs Ltd).

251 Enviro NZ's primary concerns related to air quality considerations that may impact the continued use of its Hampton Downs Landfill operation, should the Proposal affect the monitoring and compliance parameters of the Enviro NZ air discharge consent. Enviro NZ also sought similar air discharge conditions for the Proposal to those applying to the NZ Steel operations (which include use of an EAF).

252 WEL, in its capacity as owner and operator of the Hampton Downs substation, had concerns regarding the potential for adverse effects from construction dust to disrupt the transformation of electricity at the substation, given the proximity of earthworks to its boundary. WEL confirmed in comments provided that it was satisfied that recommended conditions would manage this air quality concern.

253 Mr and Mrs Saxton (as neighbours to the west of the Site), held concerns about the potential for toxic air pollutants from the Proposal. Mr and Mrs Saxton queried the use of air dispersal methodology for the assessment of air quality effects. They raised concern for local community receptors such as schools, marae and the Springhill Corrections Facility. Harness Downs Ltd noted the potential for adverse effects from the EAF in respect of heavy metal particulate emissions.

254 The Department of Corrections identified a concern that control and mitigation measures for dust emissions from the proposed monofill sites had not been included in the Dust Management Plan, as offered in the Applicant's suite of conditions. Corrections was concerned with the construction and operation (of floc disposal) of the proposed southwestern monofill, being located adjacent to the Springhill Corrections facility boundary. This concern related to the potential for airborne dust particulate to affect the health of prisoners and staff at this facility.

Applicant response to comments

255 Response to comments received by the Applicant included the legal memorandum dated 25 November 2025. This set out the comments received and summarised the Applicant's responses. They included reference to offered conditions and to newly drafted conditions. In response to the air quality concerns raised, the Applicant provided a memorandum from Air Quality NZ dated 21 November 2025 which addressed and responded to the specific matters raised.

256 The air quality controls and the operational activities of the Proposal were further detailed in the legal memorandum, which noted that these were not comparable to the NZ Steel EAF consent; and that air discharge limits and stack testing (as suggested by Enviro NZ) were not considered appropriate to the Proposal. Air Quality NZ referenced studies that had recorded relatively low dioxin and furan emissions for EAFs equipped with modern emission controls. In that regard, it was noted that the Proposal involved processes whereby air is to be scrubbed from collection within the shredder system, with controlled stack discharges. Monitoring and control measures are to be fully documented in the AQMP which, as a condition of consent, is to be certified by WRC. Additional draft conditions included specific design and operational parameters of the proposed steel mill activity.

257 In response to the comments received from Corrections, the Applicant acknowledged that dust management conditions would be widened to include specific measures related to the operation of the proposed monofils.

Panel Findings

258 The Panel is satisfied that air quality effects will be adequately managed, monitored and controlled by way of conditions. This includes an AQMP, Dust Management Plan, Construction Management Plan and detailed design and operational parameters. The Panel accepts the approach that discharge limits should reflect these specific design and operational conditions, with, in particular, the dispersal method of assessment being reliant on identified stack heights.

259 The conditions have been collectively reviewed and edited by WRC and WDC, reflecting the overlap in air quality, emissions and dust effects relative to consents and authorisations. These conditions appropriately relate to both the steel mill and mono-fill construction and operations. These include detailed operational methodology and design requirements, and supporting monitoring, compliance and air quality complaints protocols.

260 The Panel is conscious of the Site's location and zoning (Rural), within its context of proximity to the Enviro NZ's Hampton Downs landfill; the nearby Waikato Expressway; the Hampton Downs Motorsport Park; the Springhill Corrections Facility and adjoining rural activities. It is noted that the nearest dwelling is located 11[illegible]m to the east of the Site boundary and 430m from the steel mill's main stack. We understand that these parameters have informed the air quality assessment undertaken which states that these sensitive receptors will be below relevant health-based assessment criteria (AQNES, NZAAQG, WHO 2005). We did not receive any conflicting expert advice and therefore accept this air quality effects assessment.

Natural hazards

261 Sections 7.45-7.70 of the AEE outline how the Applicant has assessed the Proposal and its activities on the environment as per clauses 7 (b) and 7(g) of Schedule 5 FTAA pertaining to natural hazards and any physical effect on the locality from the Project.

Land stability

262 A Preliminary Geotechnical Assessment was undertaken by Earthtech dated 28 May 2025 (Earthtech Report) and appended to the Application. The assessment informs the feasibility of constructing a steel smelter and associated infrastructure on the Site from a geotechnical perspective.

263 The key landforms for the Site include the northern portion being defined by lower-lying flat ground at approximately RL3.5m, stepping up to higher ground in the central area varying in elevation from approximately RL7.5m to RL10m. The topography then steps up again to an area of gently sloping ground varying in elevation from approximately RL12m to RL18m.

264 The ground also rises moderately to the south, southeast and southwest at an approximate overall grade of 16° to 20°, forming a peripheral horseshoe ridge around the proposed development. Several existing overland flow paths originate from the ridgeline around the property, draining in a northerly direction. Additionally, several man-made farm drains transect the lower-lying ground.

265 Geological features are summarised in the Earthtech Report, which includes the locations of initial site investigations such as Cone Penetration Testing, hand augers and test pits.

266 Earthworks associated with the Proposal will involve large-scale cut and fill operations to establish platforms with estimated volumes of cut: 1,918,000 m³ and fill: 1,935,120 m³. Indicative cut and fill depths have been identified in the Earthtech Report. The lower portions of the Site are subject to settlement and organic soils, and some peats are present with a shallow water table and will require undercutting and or preloading.

267 Groundwater was encountered at depths of 0.5–4.5 m at some locations in the lower portion of the Site and will need to be managed during construction. Groundwater seepages were observed between RL25m and RL35m. The Earthtech Report recommends monitoring and managing groundwater and stormwater during construction. Subsoil drainage will be installed beneath the building platforms.

268 The Earthtech Report considers that for the areas of cut, further site-specific investigation and geotechnical design are necessary to establish suitable platform arrangements. Further geotechnical investigations, including boreholes for soil profiling and lab testing, the installation of piezometers, and confirmation of soil strength and settlement characteristics will be necessary to inform the detailed design for the Project.

269 The Earthtech Report considers that the liquefaction risks associated with the site are generally low across the site and considers the seismic context and design for the Site is classified subsoil class C in terms of NZS1170.5, and seismic Importance Level 2 has be adopted for the proposed development with a 100-year design life, for ordinary consequences of failure presenting a low degree of hazard to life and other property.

270 The Applicant states in the AEE, having considered the Earthtech Report, it is satisfied that there are no significant natural geological hazards identified for the Site. The Applicant further acknowledged the conclusions of the Earthtech Report that the Site is considered geotechnically suitable for the proposed development, provided its recommendations are implemented and further geotechnical investigations are completed prior to detailed design.

271 The Applicant is of the view that detailed design can be suitably engineered to avoid adverse effects primarily associated with slope stability, and the management of ground and surface waters across the site.

Flooding

272 The Site is located within the 1% AEP Defended Area. The floodable area of the Site is confined to the flat, low-lying areas in the northern portion and along the eastern boundary.

273 A Roading and Stormwater Management Report was prepared by Airey Consultants Limited, dated 23 May 2025 (the Airey Report) and attached to the AEE. The Airey Report considers the flooding hazard and identifies the following key aspects:

a. The 1% AEP flood level encroaching onto the Site is located at an elevation of approximately RL 5.0m. The steel processing plant will have at a minimum, 9.0m

of freeboard above the flood level and will be constructed with a finished floor level of RL 14.0m.

b. Designated platform areas around the Site will be used for vehicle parking and material storage. There will be no loose materials or vehicles stored within the floodplain, as these areas will be constructed with a minimum finished level of RL 14.0m. All vehicle parking and material storage areas will be located with sufficient freeboard above flood levels.

274 The lowest part of the Site will be the two accessways servicing the steel processing plant and will be located above the floodplain. Accessway 1 will be constructed with a minimum freeboard of 1.66m, and Accessway 2 with a minimum freeboard of 0.6m above the floodplain. The floodplain covers a portion of Hampton Downs Road where access to Accessway 2 is located. Safe vehicle egress in a flood event will be achieved from the site via Accessway 1, and by travelling east along Harness Road, which is located outside the floodplain.

275 The Airey Report states the effects of flooding on public safety associated with the operation of the Site are not considered to present a serious risk and has also identified that 1% AEP (including allowance for 3.8° of climate change) stormwater attenuation is proposed for the entire Site. There will be no increase in stormwater flows exiting the Site during a 1% AEP storm event. Attenuation will be provided in the form of a new stormwater pond.

276 The Applicant considers that the anticipated future development within the site will not impact the floodplain or result in an increase in flood levels upstream or downstream of the Site and there will be no increase in the risk of inundation of buildings and properties upstream or downstream. Therefore, there will be no additional flood risk on any surrounding properties as a result of the project.

277 Section 7.70 of the AEE states that the effects of flood hazards are less than minor and will be appropriately managed for the Project.

<u>Comments Received</u>

278 Of the seventeen parties from whom comments were received, two raised concerns in respect of natural hazards. These were from the Minister Watts, Minister for Climate Change and Mike Peters on behalf of the Meremere East Drainage District.

279 Minister Watts commented on the implications for both climate mitigation and adaption in the Project while acknowledging the Project is likely to have significant national and regional benefits in terms of climate change mitigation. Minister Watts noted the Site is prone to climate and natural hazard risks that were difficult to assess without a comprehensive hazard risk assessment such as a pre and post development flood mapping. The Minister was unclear whether consideration had been given to the residual risk of the breach of the Waipapa Stream stop bank.

280 Mr Peters outlined a number of matters in his comments. In particular, he addressed the Meremere East Drainage District area, in which this Proposal sits. The Meremere East Drainage District covers an area of approximately 2000ha, of which 1500ha is classified as hill catchment and 500ha of flat low land. The whole catchment is protected from Waikato River flood waters by a WRC flood protection stop bank at the northern end of the catchment along Dragway Rd. The Drainage District has no natural

water outflow into the river. All water that falls in the catchment must be pumped out through a pumping station on Dragway Rd.

281 Mr Peters commented that as with any other change in land-use from rural farmland to industrialisation or urban development the Proposal has the potential to have an adverse effect on other landowners in the catchment, especially those downstream of the Site. Mr Peters has met with the Applicant and has received an outline of the Proposal that included plans for stormwater retention and water reuse.

282 Mr Peters identified a small part of the Site in the lower corner next to the Waipapa Stream and Hampton Downs Rd culvert has functioned as a ponding area during high rainfall events. Although some of this ponding area may now be filled in or become a retention pond, it seemed to Mr Peters that this will have very little negative effect on the overall Drainage District, due to most of the rainwater that falls on the site and the Abernathy property next door being captured and used by the steel plant.

283 Mr Peter noted there could be positive effects on the overall Drainage District with most of the rainwater that falls in the sub-catchment of the Proposal never making it into the Waipapa Stream and therefore potentially not adding to any downstream water needing to be pumped out of the catchment.

Applicant response to comments

284 In its responses to Mr Peters' comments, the Applicant noted his description and operation of the Meremere East Drainage District and the positive effects of the Project.

285 In its response to Minister Watts' comments, the Applicant noted the benefits of the project raised by the Minister and referred the Panel to the Airey Report confirming no increase in runoff from the site and therefore no increase in flooding upstream or downstream of the site.

286 The Applicant responded that the Waipapa Stream stop bank will not be affected and will be maintained in its existing condition. All stormwater runoff from impervious areas within the site will be directed to the proposed stormwater pond and discharged to the Waipapa Stream upstream of Hampton Downs Road. The steel plant will be constructed at an elevation approximately 10m higher than the stop bank, so there will be no increase in risk to the stop bank. Conversely, a breach by the Stream of the stop bank would not result in any adverse impacts on the steel plant.

287 In its Memorandum of Counsel dated 25 November 2025, the Applicant stated that the Project's stormwater system represents a significant improvement over the existing untreated state. It ensures betterment for the Waipapa Stream through effective contaminant removal, controlled discharge, flood attenuation, reducing discharge volumes and reuse of stormwater. Airey Consultants provided a further detailed technical response to Minister Watts' comments and this was attached to the Memorandum of Counsel.

Panel Findings

288 The Panel is conscious that the Project could increase the geotechnical and flooding natural hazard risks at or near to the Site. Therefore, the Panel has also considered

natural hazards when evaluating effects from the monofill, earthworks, stormwater, hazardous substance storage and building bulk and design.

289 The Panel considers the risks of natural hazards have been appropriately considered by the Project's design, the AEE and supporting technical reports and it is satisfied that any natural hazard effects will be adequately managed, monitored and controlled by way of conditions.

290 The Panel accepts that the proposed management of stormwater from the Site is likely to result in betterment for the Waipapa Stream and the drainage district through the better control of discharges, flood attenuation, reducing discharge volumes and the reuse of stormwater.

291 The Panel has set conditions for the Stormwater Management Plan (SWMP) to be developed in general accordance with WRC's Stormwater Management Guidelines that will require the avoidance of adverse flooding of land, property and receiving water bodies.

292 The Panel is satisfied that there are no significant natural geological hazards identified at the Site. To reduce any potential risks or impacts from natural hazards, the Panel has set conditions that will provide for the development and certification of a CMP, E&SCP, liner and drainage installation quality control plan and a detailed geotechnical design for the Project.

Archaeological effects

293 The Application included an archaeological assessment by Clough & Associates. This considered the Site's archaeological context and highlighted the rich Māori and European history within the wider Hampton Downs area, including its proximity to sites associated with the New Zealand Wars. The Application stated there were no recorded archaeological sites either within the Site or immediately adjacent to the Project area. The Clough & Associates report stated that the wider area is under-surveyed, but that no direct evidence of pre-1900 Māori or European occupation was found at the Site, nor was any evidence of archaeological features found during their assessment undertaken in 2024.

294 Ngā Muka prepared a CIA for the Project which highlighted the historical and cultural significance of the Site and recommended its protection through the adoption of archaeological discovery protocols. The CIA also recommended a cultural monitor was present throughout the Project to facilitate cultural inductions and provide cultural advice and direction, including coordination in the wake of any cultural artifacts being discovered.

295 The Applicant submitted that, due to no archaeological sites being identified, no archaeological authority was required under the Heritage New Zealand Pouhere Taonga Act, nor as part of the FTAA process. The Panel notes that though no archaeological monitoring or protection conditions were recommended, an accidental discovery condition was proposed by the Applicant.

Comments Received

296 On behalf of Harness Downs Ltd, Mr Grant Clune provided initial comments on the Application regarding kōiwi previously found at the Site in 1972 and again in 1980.

Both kōiwi had been donated to Auckland University. At the Panel's request, Mr Clune provided additional information on the historic urupa and kōiwi previously found in a rock shelter at the Site.

297 By way of Minute 8, the Panel invited all parties who had provided comments (in particular Ngā Muka and Waikato-Tainui) to respond to both the further information from Mr Clune and the Applicant's response. The latter being a second report from Clough & Associates which responded to Mr Clune's information.

298 In response to Minute 8, Waikato-Tainui stated that Tai Tumu Tai Pari Tai Ao, the Waikato-Tainui Environmental Plan, provides clear guidance on the protection and management of wāhi tapu, wāhi tūpuna, and other taonga. Of note is Policy 16.3.3.3 which requires Waikato-Tainui involvement in managing wāhi tapu and wāhi tūpuna. Objective 16.3.4 then seeks to establish procedures to ensure that any discovery of kōiwi, urupa or other taonga is appropriately protected. On this basis, Waikato-Tainui considered it appropriate that the Panel take the information regarding the kōiwi into account, while continuing to respect Ngā Muka's guidance on site-specific cultural issues. Waikato-Tainui emphasised again that its commentary cannot be substituted for, nor override, the cultural authority of Ngā Muka who retain the mandate to advise on site-specific matters.

299 Ngā Muka's response to Minute 8 conveyed their understanding that the site where the kōiwi were discovered will not be affected by any construction, earthworks or landscaping as part of the Project. Moreover, Ngā Muka acknowledged that the Applicant has accepted the accidental discovery protocols, cultural induction, blessing protocols and the development of a Cultural Management Plan to ensure a culturally and spiritually safe space and environment. Ngā Muka also provided the historical context surrounding the kōiwi and outlined how this matter was addressed as part of previous resource consent applications.

300 In his response to Minute 8, Mr Clune questioned how Clough & Associates did not know of the urupā site, given their engagement by Corrections during the consenting of Springhill Prison. Mr Clune believed that Clough & Associates should have had knowledge of the kōiwi and rock shelter. In particular, Mr Clune highlighted the conclusion of Clough & Associates' original report being that no archaeological sites were identified within the boundaries of the Site.

<u>Applicant response to comments</u>

301 In response to Mr Clune's initial comments, the Applicant stated that should further evidence of cultural sites emerge during the Project's development, it would work with iwi and relevant heritage authorities to appropriately respond and ensure protection. As such, conditions have been included relating to protocols for discovery, protection of wāhi tapu, and ongoing engagement with iwi and Heritage NZ.

302 As a result of the further comments from Mr Clune regarding the kōiwi rock shelter, the Applicant re-engaged Clough & Associates to provide a second report. The report described an archaeological survey undertaken on 11 December 2025 and stated that the rock shelter is the only such feature in the wider escarpment area. It was observed to consist of a 0.2m indent in the rock face with a solid rock floor. The sides and back showed signs of cattle rubbing but no evidence of cultural activity such as the presence of rock art or ochre staining. A visual inspection and probing were also undertaken to identify if any archaeological remains might be present in the surrounding area,

however, no such evidence was found. The report concludes that the rock shelter cannot be considered to be an archaeological site owing to there being nothing present to investigate; and as the rock shelter is not located in the Project footprint, it will not be adversely impacted.

303 Clough & Associates also clarified their oversight regarding the company's past involvement in the identification of the rock shelter during the early 2000's as part of the Spring Hill Prison development. This oversight was due to a change in personnel within the company. The Panel accepts this reason given by Clough & Associates.

Panel Findings

304 The historical discovery of human remains in this area is relevant to the Panel's assessment of the cultural effects of the Proposal. We are satisfied that any adverse cultural and archaeological effects can be avoided by way of the conditions we have set, as well as by the Applicant's ongoing engagement with Ngā Muka.

305 The Panel acknowledges how the CIA, Te Ture Whaimana and Ngā Tūrangi Tai Pari Tai all support the protection of wāhi tapu and sites of significance of Waikato-Tainui.

306 The Panel is of the understanding that the kōiwi found in the rock shelter were likely placed there through the traditional māori ceremony (tahunga) involving the exhumation and ritual care of deceased ancestors' kōiwi, and hidden (secondary burial) in the rock shelter. Such areas are highly tapu and secretive with access restricted. Secondary burial areas were usually difficult to access, often elevated and within the ancestral lands of the deceased. Such areas are regarded as wāhi tapu by Māori.

307 The Clough & Associates response to the information from Mr Clune states that the rock shelter cannot be considered to be an archaeological site and there is nothing to investigate at present. While this may be the case, the Panel acknowledges the kōiwi rock shelter as being wāhi tapu and, therefore, considers it should be afforded appropriate protection. Such protection is necessary to recognise and provide for the special relationship Ngā Muka and Waikato-Tainui have with this wāhi tapu.

308 To ensure the protection of the cultural history of the wider site, the Panel has proposed regional and district conditions 8-9 requiring the Applicant to work with Ngā Muka and Waikato-Tainui in the development of the Cultural Management Plan.

309 The Panel has proposed condition 11 to ensure that there is no development or disturbance in the immediate vicinity of the rock shelter and that stock-proof fencing will be required to be installed around the rock shelter and its immediate vicinity in order to prevent accidental damage or further damage from grazing animals.

310 The Panel wishes to acknowledge Mr Clune for pro-actively informing the Panel of the kōiwi previously found at the Site, including the general location of the rock shelter. The identification and protection of this significant wāhi tapu is a result of Mr Clune's efforts.

Ecological effects

311 An Ecological Impact Assessment Report (**EcIA**) dated 22 May 2025 was prepared by Pattle Delamore Partners and included at Attachment 22 of the AEE. It reported that the Site is dominated by pasture and exotic vegetation, with no indigenous ecosystems

remaining. The Waipapa Stream runs along the western boundary of the Site and is fenced with riparian planting. It was noted that no earthworks are proposed within 10 m of the Waipapa Stream or affecting the stopbank.

312 The EcIA reported that there were no identified wetlands on the site under the NPS-FM definition, but noted some wetted areas dominated by exotic pasture species.

Terrestrial ecology

313 In the AEE the Applicant identified that the terrestrial ecology habitat within the Site is very limited, with no habitat of note that would support lizards or bats due to extensive grazing and cropping of the Site. Avian species were in low numbers and mainly exotic with the exception of pukeko, and only one at risk species (red-billed gull) was observed.

314 The EcIA concluded that there would be no significant loss of indigenous habitat, as the Site is already highly modified.

Aquatic ecology

315 A freshwater fish survey was undertaken and reported on by AWA Ecology (dated 4 June 2025, Attachment 23 to the AEE) with a particular emphasis on the presence or absence of black mudfish in the ephemeral waterways on the Site. Given that there were records of black mudfish in the surrounding area, it was considered appropriate to investigate if they might also be present on the Site. A survey undertaken by AWA Ecology identified the presence of mosquito fish (*Gambusia affinis*) and a single shortfin eel (*Anguilla australis*) but no black mudfish.

316 The AWA Ecology Report concluded that the presence of shortfin eel, an indigenous species, indicates that fish recovery and relocation will be required before any in-channel works if water is present. It noted that, due to the ephemeral nature of the waterways, recovery and relocation would not be required if the watercourses were dry at the time of the Project earthworks.

317 It was noted that the Waipapa Stream is an aquatic habitat although the EcIA reported that its sub-catchment was of very low water quality and low fish fauna values.

318 In the WRC's feedback on the Application (at Attachment 30 to the AEE), clarity was sought about the Site as a potential habitat for black mudfish. The Applicant commissioned the June 2025 report from AWA Ecology in response to this feedback.

Comments Received

319 In its comments on the Application, WRC was satisfied that the Applicant had responded to most of the ecological matters it had raised but that there remained an issue as to potential effects on wetlands. WRC was of the view that there were two wetland areas on the Site and that their removal would need to be considered against Regulation 45B of the NES-FW.

320 Waikato-Tainui identified, as a matter of interest, potential effects of the project on the Waipapa Stream and its associated hydrological network. It placed reliance on the Panel to achieve outcomes that would prioritise the health of the Waipapa Stream and, by extension, the Waikato River.

321 Ngā Muka's comments referenced the CIA which was included as Attachment 8 to the AEE. The Ngā Muka CIA was generally supportive of the Proposal on the basis that there would be no negative effects on the health and well-being of the Waikato River. While not referring specifically to terrestrial or aquatic ecology, Ngā Muka wished to ensure that there would be no adverse effects on downstream, adjacent or subterranean water bodies through any engineered wetland or other treatment device.

Applicant response to comments

322 The Applicant's response in its memorandum of counsel dated 25 November 2025 maintained the position that there were no wetlands on the Site as defined by the NPS-FW.

323 The Applicant also pointed to the enhancement of the Waipapa Stream by riparian planting and the cessation of rural land uses on the Site, that would cease the runoff of diffuse pollution to the Stream from those activities.

Panel Findings

324 The Panel is satisfied that the Site has low ecological values, due mainly to the historical agricultural farming and cropping over the whole Site. This finding is based on the EcIA and subsequent reports provided by the Applicant, and the Panel's observations on its site visit.

325 The conditions agreed to between the Applicant and the WRC include provisions to address freshwater ecology effects on the Waipapa Stream and its associated hydrological network. They include requirements for the consent holder to work closely with Ngā Muka, including through a detailed Cultural Management Plan and cultural monitoring.

326 The conditions also require robust erosion and sediment controls during earthworks and construction to protect the Waipapa Stream and the wider Waikato River catchment.

327 Specific to aquatic ecology, both on and off site, the conditions require fish management protocols and steps to be taken for fish management and protection. Due to the shortfin eel being a taonga species, these protocols are to be prepared in consultation with Ngā Muka, along with a detailed Wetland Management Plan to address the loss of the wetland areas and off-set mitigation, as discussed in the next section.

328 It has been made very clear to the Panel that the health of wellbeing of the Waikato River, including its waters, streams, wetlands, taonga species and ecology is of utmost importance to the people of Waikato-Tainui. The Panel is satisfied that the conditions will achieve this.

Wetland removal and replacement

329 As noted above, the WRC's comments on the Application expressed the view that there were two wetland areas and that their removal would need to be considered against the NES-F.

330 In its comments on the Application, Harness Downs Ltd referred to the presence of natural wetlands on the Site, which it described as a significant wetland ecosystem which should be protected. Harness Downs drew attention to the wetlands protection provisions in the Waikato Regional Plan which it claimed the Proposal contravened, and said that the wetlands would be severely impacted by the Proposal.

Request for further information and Applicant's response

331 Due to the differences in opinion between the Applicant and WRC as to whether the two identified areas met the criteria for classification as Wetland, the Panel sought independent legal advice and subsequently issued Minute 6 requesting further information as to the Applicant's assessment.

332 In response to Minute 6, the Applicant provided a wetland assessment by Avia Ecology which acknowledged the two wetland areas and assessed each as having low ecological value. As impacts to either area could not be avoided with the proposed Site development, the Applicant proposed offset mitigation by way of a replacement wetland at a rate of 1 loss: 4 gain, and that a wetland offset management plan form part of the conditions.

333 Also, in response to Minute 6, the Applicant provided a legal opinion and planning assessment that the removal of two wetlands should be assessed as a discretionary activity. The Applicant identified and assessed a suitable location for the replacement wetland in the Site's northern area (Applicant's counsel memorandum 19 December 2025, and Appendices 1 and 2).

Panel Findings

334 Following the identification, and the Applicant's acceptance, of the presence of two small wetland areas (totalling 48 m^2) the Panel agrees that the destruction of those areas requires discretionary activity consent, despite its prohibited activity status under the NPS-FW. It is satisfied that the offset mitigation proposed by the Applicant sufficiently compensates for the loss of ecological values, preserves hydrological connectivity and addresses the adverse effects of the loss of those wetland areas. The construction of the replacement wetland will be part of the earthworks approved by this decision and managed by conditions.

335 The presence of wetlands on the Site had not been identified at the time Ngā Muka prepared the CIA and (along with Waikato-Tainui) provided its comments on the Application. Although Ngā Muka did not comment specifically on the wetlands issues raised in the course of the Panel's consideration of the Application, the Panel accepts that the destruction of the existing wetland areas and the creation of a larger replacement wetland are directly relevant to Te Ture Whaimana, Ngā Muka and Waikato-Tainui.

336 The conditions include the involvement of Ngā Muka in the Wetland Management Plan to ensure that it will be involved in the destruction of the existing wetland areas and the creation of the replacement wetland, and cultural effects are properly taken into account.

337 As set out in Part H of this decision dealing with statutory documents, the Panel has carefully considered both the National Policy Statement for Freshwater Management 2020 (**NPS-FM**) and the National Environmental Standard – Freshwater Management

(**NES-F**) as they relate to the loss of the existing wetland areas. The Panel is satisfied that the proposal is consistent with the NPS-FM, and that the wetland offsetting approach's overall positive environmental effects would not be at odds with the NES-F.

Stormwater

338 As previously noted, the Airey Report provides an overview and assessment of the civil engineering and infrastructure design (roading and stormwater management) at the Site.

339 The Project involves a lined stormwater retention pond designed to collect runoff from all of the Site's impervious areas and attenuate 1% AEP peak flows (refer to the 'Natural Hazards' effects section above for further discussion on flood risk mitigation).

340 The Site's stormwater pond will have a total capacity of 22,891m³. This capacity comprises the following:

a. 6,600m³ of detention storage

b. 3,000m³ of reuse storage; and

c. 3,200m³ of dead storage.

341 The stormwater retention pond will have an outlet structure to ensure peak flows from the developed Site do not exceed pre-development flows during a 1% AEP storm event. The pond design also includes an emergency spillway with capacity for a 0.5% AEP storm event, should the 1% AEP outlet be blocked.

342 Stormwater runoff from roof areas is to be captured and subsequently discharged via a private (i.e., onsite) stormwater pipe network to the pond. Stormwater from road areas will be directed into catch pits and discharged into the pond, again via a private pipe network. As assessed in the 'Water take and supply' effects section above, most of the stormwater captured in the retention pond will be reused in Project operations.

343 Stormwater runoff from roof areas is not anticipated to require treatment, noting this assumption is on the basis that noncontaminant-generating building materials are used.

344 Prior to entering the retention pond, stormwater from 'at-risk' areas will pass through various treatment mechanisms, depending on where in the Site it was collected. Treatments include gross pollutant traps, a pond forebay for sedimentation, grassed swales on perimeter roads and membrane filtration open scrap yard runoff.

Panel Findings

345 Potential adverse effects of stormwater discharges and the functionality of the proposed retention and reuse scheme have been comprehensively assessed in the preceding Effects sections on traffic and transportation, water take and supply, and natural hazards. As such, the various comments received and the Panel's assessment are not repeated here.

346 The Panel considers stormwater quality management to be critical for protecting the quality of the Waipapa Stream and downstream surface water receptors and generally

agrees with the management monitoring proposed. However, the Panel recommends that the management of PFOS and PFOA is explicitly listed in the stormwater conditions, which have been updated to reflect this.

347 Except for the above point, the Panel accepts the Airey Report findings and considers the proposed stormwater infrastructure is sufficient to service the Proposal. Strict adherence to a SWMP for the Site (as required by authorisation for stormwater discharge condition 8) will ensure compliance with WRC and best industry standard practice and achieve effective stormwater management at the site, resulting in effects that are less than minor.

Cultural effects

348 Throughout their engagement with the Applicant and in accordance with Te Ture Whaimana, Ngā Muka and Waikato-Tainui have placed significant importance on protecting the health and wellbeing of freshwater within and downstream of the Site.

349 The Proposal is substantive in nature and of a scale that has the potential to adversely affect the freshwater cultural values of tangata whenua. In particular, from the following activities:

a. Soil disturbance from earthworks

b. Construction and operation of the monofills

c. Stormwater and wastewater discharges

d. Ecological impacts

e. Archaeological effects

f. Wetland removal and replacement

g. Relocation of taonga fish species

h. Water use by the Project from local sources

i. Onsite wastewater treatment and disposal

j. Hazardous substance storage

350 Throughout this Part F of the decision, the Panel has evaluated these effects on the environment with cultural values front of mind.

351 Section 10 of the AEE outlines the importance of the Waikato River to the people of Waikato-Tainui and highlights the role and importance of the Waikato River Settlement Act mechanisms, Te Ture Whaimana and Tai Tumu Tai Pari Tai Ao in caring for the River.

352 The Applicant has acknowledged that its Project site is located within an area of profound cultural significance known as manawa-ā-whenua (heart of the land), referring to the interconnected waipuna (water table) that links Waikato River, Lake Waikare, Lake Whangape and repo (wetlands) including Mangatāwhiri, Whangamarino,

and puna wai (springs). The area is also associated with several taniwha (metaphysical being and spiritual guardians), including Waiwaiā Te Ia Roa and Karutahi.

353 The Site is historically significant to the people of Waikato-Tainui due to manawa-ā-whenua connections to the various freshwater bodies and its proximity to key battles of the Waikato Land Wars.

354 The Applicant engaged Ngā Muka as the appropriate mana whenua entity to develop a CIA to assess the cultural effects of the Project. Ngā Muka undertook a holistic approach in the development of the CIA to ensure that both physical and spiritual dimensions of the environment were considered.

355 Section 7.3 of the AEE states that the various technical aspects of the project and associated assessments have also been assessed by Ngā Muka and were considered appropriate and ultimately supported by them. Ngā Muka rated all technical assessments, each of which scored highly against CIA objectives for environmental effects. This includes effects on the Waikato River, and on cultural and economic outcomes.

356 The Applicant considers that the CIA reflects an agreed position between it and Ngā Muka, and that the cultural effects of the Project have been appropriately assessed by Ngā Muka. Ngā Muka have the appropriate mandate to offer such a CIA and are supportive of the Project proceeding.

357 Notably, the CIA recommended domestic wastewater from the site should be treated and discharged to land, which the Proposal has provided for.

358 Throughout its consideration of the Application, the Panel has considered a number of key areas that are of relevance to the cultural values of Waikato-Tainui and Ngā Muka. This has resulted in numerous requests for further information to the Applicant and expert conferencing. Of particular relevance were:

a. Monofill design, operation and the associated protection of groundwater and the Waipapa Stream from leachate generated.

b. Identification of wetlands to be removed and appropriate offsetting and subsequent management of wetland offsets.

c. Geotechnical considerations, including erosion and sediment controls pertaining to cut and fill earthworks volumes and disposal.

d. Groundwater considerations, in particular understanding the Project's use of groundwater.

<u>Comments Received</u>

359 Ngā Muka provided initial comments which highlighted the Applicant's early engagement and the recommendations made in the CIA, as submitted with the Application. It had ongoing engagement with the Applicant regarding the Project over an extended period of time, which has resulted in the establishment of a progressive relationship and greater understanding of the Proposal.

360 Ngā Muka referred to its CIA recommendations, that included:

a. The floc monofill not operating in the Whangamarino;

b. A regimental monitoring and testing regime in accordance with a Cultural Management Plan,

c. Ensuring ground and surface water treatment and discharge, as well as air emissions, are compliant with WRC requirements.

361 Ngā Muka commented that its CIA confirmed that the Application aligned with the principles and objectives of Te Ture Whaimana, and that no adverse effects on the health and wellbeing of the Waikato River are anticipated provided its recommendations are implemented.

362 Ngā Muka commented that its CIA recognises that ongoing kaitiaki engagement will support improved social outcomes, including strengthened relationships between mana whenua and industry and concluded that the Project's design will assist in achieving Te Ture Whaimana.

363 Waikato-Tainui commented that it recognised Ngā Muka and their mana whenua status over the Project site, including their mandate to provide cultural advice within their rohe on behalf of their constituent marae. Waikato-Tainui acknowledged that the CIA sought to achieve the following:

a. The protection of Waikato-Tainui Settlement;

b. Upholding Te Ture Whaimana; and

c. Alignment with Tai Tumu Tai Pari Tai Ao.

364 Waikato-Tainui also identified several matters of interest regarding the potential effects of this Project, including:

a. Freshwater ecology effects the Project may have on the Waipapa Stream and its associated hydrological network. Waikato-Tainui noted this matter would rely on the Panel to achieve outcomes that prioritise the health of the Waipapa Stream and, by extension, the Waikato River.

b. Effects of the proposed monofill, including the Applicant's long-term plans for unusable waste and the effectiveness of their plans to manage potential leachate.

365 Waikato-Tainui expressed its expectation that all potential effects associated with the Proposal should be avoided, remedied, or mitigated using the highest standards or measures outlined in the Tai Tumu Tai Pari Tai Ao.

<u>Applicant response to comments</u>

366 In its Memorandum of Counsel dated 25 November 2025, the Applicant expressed appreciation of the constructive engagement undertaken by Ngā Muka and Waikato-Tainui during both the preparation and subsequent assessment of the Proposal. In particular, the Applicant acknowledged the leadership and clarity provided by Ngā Muka and Waikato-Tainui in articulating the cultural values, tikanga, and mana whenua interests in relation to the Site. The Applicant valued the time, expertise, and kōrero

shared through the CIA process and remains committed to upholding the outcomes and understandings reflected in that assessment as the Project progresses.

367 The Applicant stated that the Project demonstrates betterment in relation to the health and wellbeing of the Waikato River and its tributaries through a combination of design features and operational commitments. These mechanisms are consistent with, and exceed, the proportionate response adopted in the Puke Coal case to achieve betterment. In particular, the Applicant considers the following measures will work to achieve betterment:

a. Capture all rainfall and runoff within its sub-catchment which is to be conveyed to a purpose-built stormwater retention pond.

b. Ensure a portion of retention pond water is reused in the plant's daily operations, thus significantly reducing the volume and velocity of runoff entering the Waipapa Stream.

c. Provide for a stormwater system that represent a significant improvement over the existing untreated state. This will achieve betterment for the Waipapa Stream through effective contaminant removal, controlled discharge, flood attenuation, reducing discharge volumes and reuse of stormwater.

d. Enhance riparian areas adjacent to Waipapa Stream to support the restoration goals of Te Ture Whaimana; and

e. Provide for ongoing kaitiaki involvement in order to contribute to the restoration and protection of the relationship of Waikato River iwi with the awa, including from an economic, social, cultural and spiritual relationship perspective.

368 In addition to those matters listed above, the Applicant considers the CIA conclusions are also based on its overarching commitments to:

a. Treat all stormwater from earth-worked areas prior to discharge.

b. Incorporate treatment systems for long-term stormwater management.

c. Treat and discharge domestic wastewater to land, avoiding direct discharge to water.

d. Implement ongoing monitoring, evaluation, and reporting of water quality, linked to the Mātauranga Māori-based Whangamarino Dashboard; and

e. Advance the Project's alignment with Tai Tumu Tai Pari Tai Ao and Te Whakatupuranga 2050, particularly through its circular economy model, use of EAF technology, and associated regional employment benefits.

369 The Applicant also notes that the cessation of existing rural land uses will result in positive environmental effects as the site is currently grazed by dry stock with unfettered access to open drains, and has been used for maize cultivation in recent years. Both activities contribute sediment and nutrient runoff into the drains and ultimately into the Waipapa Stream. These sources of diffuse pollution will cease with the development.

370 In its responses to Panel Minutes 6, 7 and 9, the Applicant stated that the two small areas of potential wetland to be removed totalled 48m^2 and that the loss of wetland will be offset by the Applicant by four times in area size. Although, Ngā Muka did not comment on the wetland offsetting approach of the Applicant, it will have an opportunity to participate in design, implementation and monitoring of the wetland offset through the Wetland Management Plan (**WMP**).

Panel Findings

371 The Panel acknowledges the Applicant's early engagement with Ngā Muka and Waikato-Tainui to ensure that their cultural values have been appropriately acknowledged and considered during the development and consenting of the Proposal.

372 The Panel accepts that tangata whenua are the most appropriate to evaluate and assess the cultural effects of a proposal and acknowledge these have been clearly outlined in the CIA.

373 It has been made very clear to the Panel that the health of wellbeing of the Waikato River, including its waters, streams, wetlands, taonga species and ecology is of utmost importance to the people of Waikato-Tainui.

374 The restoration and protection of the Waikato River was the key focus of the comments both from Ngā Muka and Waikato-Tainui. Therefore, the Panel has placed great importance on Te Ture Whaimana, CIA and Tai Tumu Tai Pari Tai in its consideration of the potential adverse effects from the Project. This has been reflected by the Panel in Part F of this Decision, the numerous RFIs it has issued, and in its direction for expert conferencing to address a number of contentious matters that also impacted on freshwater cultural values.

375 The Panel has particularly scrutinised the monofill aspects of the Proposal, including leachate generation, liner selection, monofill stability, capping and its general operation. In terms of freshwater cultural effects, the Panel has focused its consideration on leachate PFAS concentrations and the potential risks for leachate to adversely affect the Waipapa Stream.

376 The Panel has set conditions to ensure the freshwater and other cultural values of Ngā Muka and Waikato-Tainui are provided for. Such conditions include:

a. The Applicant must invite Ngā Muka to organise a powhiri and cultural induction programme to form part of the induction for all contractors working at the Site during the development and commissioning phase, including earthworks and construction of the steel plant and associated buildings (Conditions 5-6).

b. Measures to protect the adjacent Waipapa Stream from any sediment discharge or retention during the earthworks and construction phase (Condition 7).

c. Development of a Cultural Monitoring Plan with Ngā Muka on matters of cultural importance to protect the history and surrounds of the site and to provide cultural authenticity, safety and awareness throughout the construction and commissioning phase of the project (Conditions 8-9). As part of the Cultural Monitoring Plan, the Applicant must agree the basis for ongoing monitoring and invite suitably qualified kaitiaki representatives from Ngā Muka to facilitate Mātauranga Māori monitoring of air and water associated with the Site at least

once per year using methodologies consistent with the Whangamarino Mātauranga Māori Dashboard.

d. The opportunity for Ngā Muka to be engaged by the Applicant in the development of the WMP to offset the effects of the loss of the two wetlands identified on the Site by providing a long-term replacement and enhancing lost wetland values.

e. To enable the appropriate design, construction, operation, monitoring and aftercare of the monofills. To enable this a number of monofill-related management plans will be required to be developed, peer reviewed and certified by Council.

f. Monitoring of the Waipapa Stream prior to the construction of the monofills and steel mill to gain baseline water quality data and the development and certification of a Freshwater Management Plan (**FWMP**). This will be developed in liaison with Ngā Muka and include protocols and methods for the discovery, capture and transfer of indigenous fish found at the Site prior to and during the works.

377 The Panel understands that a relationship agreement is being developed between Ngā Muka and the Applicant to maintain environmental best practice and mutually beneficial outcomes for the community and the environment. The Panel encourages both parties to finalise this relationship agreement, if it has not been done already.

378 The Panel is satisfied that the Applicant has engaged with Ngā Muka and Waikato-Tainui in a manner that is consistent with the principles of the Treaty of Waitangi and the requirements of Te Ture Whaimana, CIA and the Tai Tumu Tai Pari Tai Ao.

379 The Panel's proposed conditions will ensure any potential adverse effects on cultural values from the Proposal can be adequately addressed, and do not preclude consent being granted for the Project.

Traffic and transportation

380 The operation of the Project relies on the transportation network. Scrap metal is transported to the Site from scrap metal yards and then processed into structural steel for distribution. Transport requirements for Site preparation and construction will largely be contained within the Site, with the earthworks comprising a staged cut and fill programme to recontour the land to create a large flat platform for the construction of the steel mill buildings.

381 A Transportation Assessment Report was provided with the Application, prepared by CKL (23 May 2025). This assessment was based on the understanding that the Proposal would be operating 24/7 with 200 staff across three shifts. An expected peak hour trip generation was calculated at 400vpd. In addition, heavy commercial vehicle (**HCV**) movements were expected to the Site (delivering raw material), at 100 HCV movements per day. There would also be internal truck movements from the metal shredding process to the monofill facilities on Site.

382 Consent is required, as a restricted discretionary activity under the WDP (Rule TRPT-R4), where the maximum is exceeded of 200 vehicle movements per site per day of which no more than 15% of these vehicle movements are heavy vehicle movements, in the General Rural zone. The CKL report confirmed this trip generation to be within

the carrying capacity of the surrounding traffic network. Various improvements to the existing entrance points and the form and width of accessways which will serve the Site have been recommended in the CKL report, in line with expectations of the heavy industrial use proposed. All of these improvements were indicated as accepted by the Applicant. These are reflected in relevant conditions.

Access and egress

383 Two existing entrance points are proposed to serve vehicle access to the Site. No new accesses are proposed. The entrance to the east, which in part utilises an access way over which the adjoining site at 61B Hampton Downs Road has a right-of-way easement, is to provide access for staff and visitors to the Site. There is also an internal vehicular accessway which extends from this main staff accessway, to serve the proposed northeastern monofill facility. The entrance to the west from Hampton Downs Road is to provide HCV access to the plant.

384 The Site has good access to the arterial network, with proximity to the SH1 interchange, and direct access to local roads (Harness Road and Hampton Downs Road), the use of which is shared with established large- scale activities (notably Hampton Downs Motorsport Park and Hampton Downs Landfill). These activities have similarly high- volume traffic demands and the need for good accessibility to the wider traffic network. This is described in the AEE as a *'unique and active area, with large scale established mixed uses'*. The implications of this traffic environment are discussed further below.

Easement access

385 The eastern entrance to the site has a shared easement arrangement with 23 Hampton Downs Road and 61B Hampton Downs Road. Improvements to this accessway are proposed, to include partial formed access, increased width to provide two-way flow and 'give way' signage at the road entrance. The use of this shared accessway will clearly change significantly, from its current farm access function to a future main entrance to the industrial steel plant activity. It is understood that there will be legal parameters and rights associated with this easement as to it use. As noted below, this was a matter raised by the neighbouring property owner with whom this easement is shared (Harness Downs Ltd, 61B Hampton Downs Road).

Parking

386 Parking is proposed to be provided on Site for staff and visitors. A dedicated parking area, to accommodate 100 spaces, is shown located outside the rolling mill building and administration office, adjacent to the Site's eastern boundary. This is accessed from the shared ROW accessway off Hampton Downs Road. No minimum or maximum parking requirements apply. Truck parking is also provided on site.

387 Ten cycle spaces are to be provided, satisfying the WDP rule. It is noted in the CKL assessment that there are no footpaths or cycle lanes on Hampton Downs Road and surrounding roads; nor any public transport services within the vicinity of the Site.

388 The CKL report confirms that the parking provision made on site is considered appropriate for the plant and compliant with the relevant WDP requirements.

Interchange upgrades

389 Although no new access points to Hampton Downs Road are proposed, upgrades have been recommended to the existing interchange locations, in recognition of the industrial activity proposed. In particular, the western access (which is to serve HCV) requires substantial upgrades as it is currently only a field access track. This new accessway will be formed and widened to enable two- way traffic. No signage is considered necessary at this interchange as it has good sight distance and visibility features. The eastern access will however require give-way signage along with being widened and formed. As noted above, these design parameters are encapsulated in conditions.

390 In a separate assessment (Roading and Stormwater, undertaken by Airey Consultants Ltd, 23 May 2025), roading and access that is to serve the Site is further analysed. The preference for using Hampton Downs Road for HCV access to the Site (as opposed to Harness Road) was recommended, being a road that currently serves nearby high use activities (Hampton Downs Motorsport Park and Hampton Downs Landfill). The Airey report found that the impact of the extra truck traffic associated with the Proposal would not require an upgrade of this road pavement. This report also reviewed the proposed internal roading proposed for the Site, with specific consideration given to construction and stormwater implications.

Hampton Downs Motorsport Park

391 It is acknowledged that the Applicant has consulted with the owner and operator of the Hampton Downs Motorsport Park, in seeking a mutual understanding of their two operations. An awareness was gained of the operational and consenting regime that the Motorsport Park operates within, notably during large events when traffic congestion is required to be controlled and traffic management plans put in place. It is understood that agreement was reached on the use of an early warning system and communication to ensure that neither activity is impacted by the other, particularly on such occasions. This is reflected in a specific condition ('Motorsport Events') whereby staff and contractors at the Site are advised ahead of future events.

Comments Received

392 Comments related to traffic and transport were received from three parties. In addition, confirmation was received from the Motorsport Park, reiterating its position in this locality as a regionally significant facility, with special purpose zoning within which the management of traffic is a key consideration. The condition agreed to between the Motorsport Park and the Applicant was detailed, with the Motorsport Park confirming its support for the application on the basis of acceptance of this condition.

393 Harness Downs Ltd (61B Hampton Downs Road) detailed the origins of the shared accessway and easement, which was to provide access to its property when this was lost with the construction of the State Highway 1 expressway on its eastern boundary. This created the existing driveway over the Site, for access to the dwelling on this property's farm (61B Hampton Downs Road). Harness Downs Ltd is concerned that the proposed accessway upgrade and change of use to industrial (with the increased vehicular use that would result) will alter the original intent of this access easement, disadvantaging their use of it.

394 The possibility of a request to extinguish this easement (under the Property Law Act 2007) was referenced, citing a breach of the purpose of the Easement and impediment to this neighbouring property owner's ability to access their land.

395 Enviro NZ expressed concern that vehicular access to its landfill operation may, potentially, be compromised by both construction and operational traffic to the Site. Enviro NZ sought confirmation that access to its landfill facility from Hampton Downs Road would remain unimpeded at all times, in recognition that this is its only access and is therefore critical to the operation of this regionally important facility. In that regard, Enviro NZ's concern also included the possible effects from the proposed stormwater pond overflows and the existing road culvert on road access.

396 WEL sought clearance of its 11kV overhead electricity lines from truck movements within both Hampton Downs Road and the Site entrances. Measures to avoid overflow parking on the road (notably during shift changes) in the vicinity of the WEL substation was also raised. WEL reiterated the need for unimpeded access to be available to its substation.

Applicant response to comments

397 In the Applicant's response to comments (legal memorandum 28 November 2025), the concerns raised in respect of transport and traffic effects were addressed. As noted above, a number of conditions have been drafted in response, with the Applicant confirming agreement. These conditions confirm consultation agreements with Hampton Downs Motorsport Park; and address concerns raised by WEL (for both parking and clearance of its high voltage line).

398 An additional flooding report was provided (Airey Consultants Ltd, 24 November 2026) to address the road access concerns raised by Enviro NZ. This report acknowledged that construction of the crossing to the western access into the Site would require traffic management but that this would not involve full road closures; the details of which would be included in the CMP. While the Airey report supported the request by Enviro NZ for inclusion in consultation for the CMP, this was not accepted by the Applicant in the legal response.

399 The Airey report confirmed its confidence in the design of the stormwater pond on Site and observed that it would be highly unlikely that the stormwater pond would result in a blockage of the road culvert. Rather, the opposite was more likely, with the stormwater pond reducing culvert blockages.

400 The effect of the Proposal on the accessway easement serving the Harness Downs Ltd property was considered by the Applicant to be a private matter and not required to be addressed through the resource management process. The potential traffic effects arising from this shared accessway were considered, by the Applicant, to be adequately managed by way of conditions (CMP for example).

Panel Findings

401 The Panel accepts the technical advice of the traffic assessment report, provided as part of the Application. This assessment confirms that, with appropriate conditions (principally related to the upgrade of existing accessways on site and improvements to the entrance points to the Site), the Proposal does not result in any adverse traffic

engineering or transport related effects. The expected trip generation is within the carrying capacity of the road.

402 The Panel acknowledges the engagement undertaken by the Applicant with the nearby high traffic generating neighbours (Hampton Downs Motorsport Park and Hampton Downs Landfill). This has enabled mutual traffic concerns to be addressed, with conditions agreed. The Panel is satisfied that the accepted conditions and management plans will provide appropriate design, control and mitigation outcomes to ensure that traffic effects from the Project's construction and operation will not result in significant adverse effects.

403 It is inevitable that the change in use of the Site, as proposed, will result in changes to the local traffic environment. The Proposal is industrial in nature and will include more vehicle movements on and around the Site. However, the Panel considers that this change in traffic intensity is acceptable when considered in the context of the area's surrounding activities, which have similar levels of traffic demand. The Panel accepts the expert advice that this can occur without adverse cumulative traffic effects. Similarly, it is appreciated that the change in the local and on-site traffic character of the Site will be evident to the neighbouring property (Harness Downs Ltd). The Panel is satisfied that with the improved shared accessway conditions as proposed (driveway to be formed and widened in part) the traffic effects on the use of this shared accessway can be adequately managed.

Landscape and character effects

404 The built form of the Proposal is described by [redacted] (building bulk and design). As a steel smelter and processing facility, substantial structures are required to accommodate this activity. This includes 21.2 ha of building footprint, with an associated 32.7 ha earthworks, making the full extent of coverage of the development at 48.7ha. To meet the requirement for a flat building platform (at RL 14), the Site must be recontoured. The Application recognises that this will result in a significant change to the landscape and visual appearance of the Site.

405 In addition to the construction of buildings, new internal roads are required and two monofill facilities are proposed to be established. The development is clearly a significant industrial activity.

406 A Landscape Assessment was undertaken by Greenwood Associates and provided with the application[36]. The Greenwood Assessment acknowledged that, in order to facilitate the placement of the proposal within the landscape, modification to the existing undulating rural landscape would be required through a series of earthworks. The existing Site landscape is shown in Figure 7 below and is described in the Landscape Assessment as 'currently undeveloped pastureland with rolling topography, scattered vegetation, and watercourses.' The Panel agrees with that description, as observed on our Site visit.

[36] Dated 26 May 2025.

Figure 7: Photograph of the Site looking southward (Source: Assessment of Environmental Effects)

407 The rural landscape will change with the proposed cut and fill land modification and subsequent construction of industrial scale buildings (as shown in the infographic at Figure 8 below).

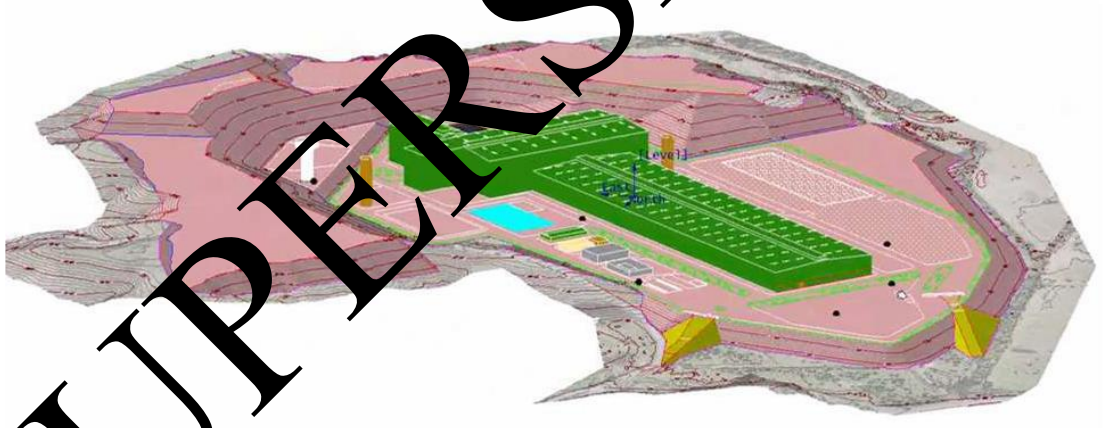

Figure 8: Infographic showing landscape modification required to accommodate the Proposal (Source: Earthtech Report, AEE Attachment 12)

408 The Greenwood Assessment provided an assessment of effects stemming from this physical change by referencing five identified viewpoints. The degree of change to the landscape as a result of this proposal was considered in the Greenwood Assessment to be of a moderate level of cumulative adverse landscape effects. The proposal was further described as resulting in a 'strong visual change'. However, the Application considered that the modified site topography (with a southern horseshoe ridge created) being within an area that has undergone a changed rural landscape, mitigated the overall visual impact of the proposal.

409 The Panel sought further information by way of Minute 3 to assist in understanding the landscape and visual relationship of the proposed buildings within their surroundings. Visual simulations of this interrelationship were requested, with the alternative of

cross-sections considered acceptable. Cross sections were provided by the Applicant on 3 December 2025. This additional detail, along with the Greenwood Assessment provided, were peer reviewed by Mr Shannon Bray of Wayfinder as an advisor to the Panel. The Panel provided the opportunity for the Applicant to respond to Mr Bray's review. Its response was received by way of a legal memorandum acknowledging Mr Bray's conclusion that the Greenwood Assessment had likely 'overestimated effects on landscape'.

Character and amenity of the Rural Zone

410 In addition to the physical visual effects of the Proposal, the Greenwood Assessment considered potential effects on character and amenity. This was described as being 'part of people's identification and perception of the landscape character' and was considered within the context of the 'sensitivity of the viewing audience.' It was observed in the assessment that only those higher built elements of the proposal (generally above RL22m) would be visible within the wider landscape due to the Site's recontoured topography. The overall landscape character and amenity assessment was considered within the context of the surrounding modified, non-rural precinct, comprising the Waikato Expressway (SH1), Hampton Downs Motorsport Park and Raceway Accommodation Precinct, Hampton Downs Landfill and the Springhill Corrections facility. Although not yet established with any built form, land opposite the Site to the north is also zoned for industrial use under the Hampton Downs Industrial and Commercial Precinct.

411 The Site is, nevertheless, zoned General Rural. The existing character of the Site is distinctly rural, with rolling open hills, having been previously used as a dry stock farm and for cropping. The description in the AEE of the surrounding area is 'semi-rural' in character, in recognition of the mix of uses and activities within the immediate vicinity of the Site. It was observed in the Greenwood Assessment that this 'unique nature' of the area, with significant industrial activities in a rural setting, has created a level of modification that is over and above that which would typically be expected within a traditional rural environment. These facilities, within the Hampton Downs area, are all large-scale land uses which have an existing impact on the rural character and amenity of the wider area.

412 It is acknowledged that each of these facilities, as part of their normal operations, will also contribute to the amenity of the area. They include, for example, increased traffic flows within the immediate network; and different noise patterns to what would normally be expected within a rural context.

413 The Wayfinder review acknowledged that the Greenwood Assessment had described visual amenity to a reasonable degree but commented that a description of landscape values and how they contribute to amenity values could have also been undertaken in this assessment. Nevertheless, the Wayfinder review concluded that overall, the assessment of effect on landscape character undertaken in the Greenwood Assessment was sound.

Landscape and planting plan

414 In addition to the Greenwood Assessment, the Application included a 'Landscape Strategy'[37] which is referenced in the Assessment. The PBM Strategy provides a planting plan concept for the Site, with a planting schedule, including specimen type, location and size. The planting plan does not however incorporate the 6m bund, offered by the Applicant as noise mitigation in response to concerns raised by Corrections.[38] This bund is shown in Figure 1 of the Hegley Acoustics letter to be located parallel to the Site's western boundary, at an unspecified distance to this boundary and length. It is in the general location of specimen trees and garden shown in the planting plan of the Landscape Strategy. It would therefore have been prudent for these two plans to be consistent, given that each are referenced in the recommended conditions. The noise mitigation bund should be incorporated as part of the planting plan.

415 The Application makes clear that the proposed planting on Site will not screen the built form of the steel mill development. With all vegetation within the earthwork area of the Site proposed to be removed, the planting concept is, as we understand, designed to provide vegetation across the Site, with (in particular) planting on the engineered slopes and the fence line boundaries. This is shown more clearly in the additional cross sections provided by Greenwood on 3 December 2025. In particular, these graphical sections confirm that the private views from the immediately adjoining property (61B Hampton Downs Road) will predominantly be of top of the upper portion of the chimney stacks, with the remaining built development obscured by the Site topography (Greenwood sections, Drawing 2555/08 Section BB). Full visibility of the development will however be evident at the northern edge of the Site (Harness Road and Hampton Downs Road), principally affecting the property at 136 Hampton Downs Road.

416 The Wayfinder review identified what it considered to be some shortcomings in the level of detail of assessment in the Greenwood Assessment with regard to the nearby private realm, and suggested that orientation and outlook from the dwellings on adjoining sites may have assisted in better understanding effects.

417 Recommendations were made by Wayfinder for additional text in the landscape conditions providing for the inclusion of a Landscape Management Plan, in order to confirm that the mitigation offered by planting was achieved. This should include detail about the establishment and ongoing maintenance of planting. WDC's proposed landscaping condition was not updated by the Applicant to reflect these recommendations. The Panel considers that the Wayfinder recommendation is sound and that these changes should be incorporated into the landscaping condition.

Comments Received

418 While a general observation was made in some comments received that the Proposal was incompatible with the rural zoning and that, in the wider sense, neighbours' land would effectively be used to absorb impacts, there were no specific comments received which detailed landscape visual and amenity effects of notable concern.

[37] Prepared by PBM dated 21 May 2025.

[38] Hegley Acoustic letter dated 1 July 2025.

Applicant response to comments

419 The Applicant, in its legal memorandum dated 25 November 2025, reiterated that within the context of the Site's location (in proximity to other large scale non-rural developments), the size and scale of the Proposal was not an inappropriate use; and that there was an 'absorption capacity' for effects.

420 No amended conditions, related to landscape and rural character and amenity, were offered by the Applicant in its response to comments.

Panel Findings

421 The Panel has considered the effects of the built scale and design of the Proposal in paragraphs 477-489 of this Decision. This is interrelated to the landscape, character and amenity effects discussed above. The scale and industrial nature of the Proposal within the existing rural landscape is acknowledged. It is therefore a matter of how this change sits within the existing environment and the degree of adverse effects resulting. To that end, the Panel generally accepts the analysis and observations made in the Greenwood Assessment:

> *'When considered in isolation placing a steel manufacturing plant within a landscape that has the appearance of a traditional rural landscape is a change that would result in a significant effect to visual amenity'* (para 6.43).
>
> *'However, when viewed in the context of the wider landscape whilst the change will cause an effect this will not be at a level if considered in isolation'* (para 6.44).
>
> *'This mitigation of effects is achieved in the current environment in that the site sits within a 'precinct' that contains a motorsport park, corrections facility, land fill and a (under development) industrial park. Thus, the environment in which the proposed steel manufacturing plant will be established is modified from a traditional rural environment to one that contains a 'precinct' of activities that are not traditionally associated with rural amenity. This creates a sense of expectation that a non-traditional rural activity will be potentially present on the site'* (para 6.45).

422 The existing environment and its prevailing landscape character is germane to the assessment of the extent and degree of likely landscape and amenity effects resulting from the Proposal. The Panel accepts that the landscape character of the area (as part industrial) has the potential to absorb much of the significant level of visual change proposed on the Site.

423 A similar premise applies in considering the effects of the Proposal on the local landscape character values. and the Panel accepts that the area's character is informed by the amenity of the area. In this case, the existence of surrounding large- scale operations, which generate sensory experiences of a different scale and impact to rural expectations (including noise and traffic) should realistically be taken into account. The Panel finds that this context reduces the potential level of effect of the Proposal on both visual amenity and local character values.

424 The Panel is however mindful of the private rural residences in proximity to the Site. The cross sections provided by the Applicant and which were peer reviewed by

Wayfinder, have assisted us in better understanding the relationship of these properties to the proposed Site development. The adverse effect on properties to the north where there is clear view of the proposed steel mill (specifically 136 Hampton Downs Road) will remain moderate. We note that the dwelling on this property is set back from the road, and no comments were received from this property owner or occupier.

425 Comments were received from the adjoining rural residential neighbours to the east and south of the Site. The landscape cross sections confirm for the Panel that the level of visual and character amenity impact on these properties will, to a large degree, be mitigated by distance and topography.

426 We acknowledge that there will be significant visual change to the Site as a consequence of the built form of the proposed steel mill and its associated earthworks. However, for the reasons discussed above, the Panel finds that adverse landscape visual and character amenity effects will be mitigated to the degree that they will be part of the existing non-rural and of minor adverse effect.

427 The Panel considers that it is appropriate for changes to be made to the Landscaping condition in the WDC set of conditions. These changes include requiring the Planting Plan (as prepared by PBM dated 21 May 2025) to be updated to include the 6m wide noise attenuation bund along the western edge of the site (as shown in the Hegley Report dated 1 July 2025); and to require a Landscape Management Plan, within which specific matters are to be covered to ensure the successful establishment and longevity of planting on Site.

Noise and vibration

428 The Proposal involves processing scrap steel from cars for use as a raw material in the steel mill operation on Site. The application identifies several potential noise sources, including vehicle movements on site, shredding scrap material and the rolling mill. In addition, there is potential for noise from the monofil operations (vehicle movements) and the construction of both the steel mill and the monofills.

429 A noise and vibration assessment was provided as part of the Application (Hegley Acoustic Consultants, 11 June 2025). Noise predictions were related to identified receivers and were considered against the relevant WDP noise rules for the General Rural Zone. Of the receivers identified, the Hegley report observed that some locations had different noise rules applying. This included the established apartments and a house within the Motorsport and Recreation Zone. These differences were taken into account, in both the construction and operations noise assessment.

430 The Hegley report concluded that vibration effects would be negligible; construction noise would largely comply with the WDP noise limits; but that there would be some minor non- compliances for operational noise experienced at identified locations (namely 136 Hampton Downs Road and apartments within the Hampton Downs Motorsport Park). Consent is required as a Discretionary Activity (Rule 8, WDP). Mitigation measures are proposed by the Applicant which include the enclosure of the shredder operations and façade enclosures of the melt shop and rolling mill.

431 The Hegley noise assessment report also considered cumulative noise effects, with specific consideration to the nearby Hampton Downs Motorsport Park and the Hampton Downs Landfill. The observation was made in this assessment that these levels would

largely be under the control of the Motorsport Park where noise limits (Rule 35, WDP) are based on when and which activities take place at the Motorsport Park.

432 In the process of the Applicant's engagement with the Department of Corrections, the Hegley noise assessment report was reviewed by Styles Group on behalf of Corrections. A number of concerns were identified by Styles Group, related to the existing Springhill corrections facility and the wider (as yet, undeveloped) Corrections owned land to the west of the Site. In response by the Applicant, a further report was provided by Hegley Acoustic Consultants (1st July 2025), from recommended mitigation measures to be incorporated into the Proposal. This principally involved the addition of a 6m high acoustic bund, to be constructed adjacent to the western side of the shredder and scrapyard on Site. With this bund included in the proposed design, predicted rating levels at the individual receivers were updated, resulting in compliance with WDP noise limits being largely achieved.

Construction

433 Significant cut and fill operations are necessary to provide the contoured site layout for the Proposal. The Application does not include foundation requirements for a final built design. As part of the noise assessment, it was therefore assumed that a conventional piling rig may be required. The construction noise assessment was made on this basis, along with heavy construction activities in the earthworks and construction phases. As described in the AEE, the construction noise assessment involved the use of *"a three-dimensional modelling tool in which a full-scale model of the project and surrounding area was developed including distance from the site to sensitive receivers, overlaid with any topography or vegetative aspects that would affect the transfer of noise and noise levels from individual items of plant used."* (AEE Report, Kinetic Environmental, dated 2 July 2025, para 7.144).

434 The noise assessment analysis concludes that construction noise levels from the proposed earthworks and likely piling operations will be readily compliant with the 70dB LAeq limit of the WDP construction noise rule. Recommended consent conditions include the requirement (in the CMP) to achieve compliance with construction noise standards New Zealand Standard NZS 6803:1999 Acoustics – Construction Noise.

Operation

435 A change in the location and the enclosure of some components (melt shop and rolling mill) of the proposed steel mill operation was made in response to analysis provided in the noise assessment, as part of proposed noise mitigation measures. A change to the hours of operation was also made, resulting in the scrap yard and shredder being limited to the daytime only, leaving the steel melt shop and rolling mill to operate 24 hours per day. Similarly, the monofills are proposed to operate only between 7am – 7pm.

436 On this basis, the noise modelling predicts operational noise levels will be generally compliant with the WDP (Rule 8) noise limits. Minor exceedances are identified for the evening limit (of 40dBL_{Aeq}) for apartments within the Hampton Downs Motorsport Park and 136 Hampton Downs Road. Recommended consent conditions require compliance with the WDP noise limits at the notional boundary of any noise sensitive activity; together with a Noise Management Plan (to be certified by WDC); noise monitoring requirements; and response protocols (surveys and remedial actions) to any noise complaints or reported concerns about excessive noise.

Comments Received

437 Concerns about the potential effect of noise generated by the Proposal were raised by neighbouring properties (Harness Downs Ltd, D and W Saxton, and Corrections). Concern was held by D and W Saxton about the adverse effect that 'continuous industrial' noise would have on neighbours to the Site. Similar concerns were expressed by Harness Downs Ltd, specifically with regard to the rolling mills operations.

438 The Department of Corrections further described its concern regarding potential noise effects on the adjacent Corrections site; that being the existing buildings located to the south of the Site as well as the (yet to be developed) Corrections owned land (included as part of its designation and Special Purpose zone) to the west of the Site.

439 As discussed above, the opportunity to review the noise assessment report was made available to Corrections by the Applicant. A response by the Applicant (Hegley memorandum, 1st July 2025), recommended mitigation measures be offered as part of the Application. Corrections raised further queries with respect to details in the modelling and considerations made in the Applicant's acoustic assessments. In essence, Corrections sought special 'prison-specific noise conditions' for the Springhill facility on the basis that this facility has 'particular characteristics and sensitivities in a custodial environment'. It claimed that the Proposal could, without further noise mitigation measures in place, 'compromise the wellbeing of the prison community, including staff and prisoners.'

440 Corrections acknowledged the adequacy of the additional noise mitigation measures offered by the Applicant, but remained concerned about the means by which noise generated could be measured. Concern was expressed that compliance with the WDP noise limits for the General Rural zone could have the effect of resulting in 'significant adverse effects' on the operation of the Corrections facility. Corrections proposed a set of noise conditions specific to parts of the Springhill Corrections site.

Applicant response to comments

441 As part of the comprehensive response to comments received, which was provided in the Applicant's legal memorandum (25 November 2025), responses to concerns related to potential noise effects were acknowledged and addressed. An additional memorandum was provided (Hegley Acoustic Consultants, 24 November 2025) to specifically address further concerns raised by Corrections. This included the acceptance of additional and revised noise conditions. These conditions included the provision for specific regard to and inclusion of engagement with Corrections as they relate to the Springhill Corrections site as a 'noise sensitive activity'; and the requirement for the Noise Management Plan (**NMP**) to be developed in consultation with the Department of Corrections. The Applicant did not however consider the inclusion of site- specific noise limits for the Springhill facility to be appropriate or necessary. This request by Corrections was addressed in the Applicant's legal memorandum and rejected:

> *The revised conditions proposed by Green Steel appropriately reflect the permitted baseline, respond to criticisms that adjacent land is being treated as a buffer and ensure that Green Steel is subject to the same regulatory expectations as other activities in the surrounding zones. Imposing more restrictive noise*

standards on Green Steel than those applied to neighbouring activities would amount to unnecessarily onerous conditions.[39]

Panel Findings

442 The Panel considers that noise effects can be adequately managed, monitored and controlled by way of conditions. However, the Panel accepts the request by Corrections for the mitigation measures that were offered in response to their original noise concerns, to be clearly identified in conditions. These measures include the construction of a 6m bund adjacent to the Site's western boundary and the relocation of the proposed shredder building within the Site. While the 6m bund is shown on the Site Plan (Fig PD3), it is not evident on the Landscape Strategy Plan (PRM, 21 May 2025). In order to ensure certainty and to avoid inconsistency, the Panel has included these conditions.

443 For the most part (the exception being a minor non-compliance in the evening, between 6pm and 7pm, at 136 Hampton Downs Road), the Proposal has been shown to achieve compliance with the relevant WDP noise limits. Given the Site context and the existing ambient noise levels (Hampton Motorsport Park and State Highway 1), the conclusion in the Applicant's noise assessment (Hegley Acoustic Consultants), that this is considered reasonable, is accepted by the Panel.

444 The site-specific modified noise limits sought by Corrections for part of its Springhill site is not considered necessary and would, the Panel considers, add a level of complexity that is not warranted in the circumstances.

445 In terms of vibration effects, the Panel accepts the assessment made in the Hegley report, being that, with the nearest dwelling to the Site identified at 110m away and based on the anticipated construction methodology to take place, it was considered that construction vibration would be negligible.

446 Overall, the Panel accepts the noise effects evidence of the Applicant, which concludes that potential adverse effects from both construction and operational noise (steel plant and monofilament) will be less than minor and can be properly managed and mitigated. The Panel acknowledges the changes to conditions made by the Applicant in response to comments received and we generally concur with the summary observation made in the Applicant's legal memorandum:

The amendments advanced by Green Steel strike an appropriate balance between enabling a nationally and regionally significant industrial project and safeguarding the operational integrity of neighbouring land uses, including the prison. The proposal avoids adverse effects on existing sensitive receivers, while any potential future effects on new receivers will be managed through mitigation or consenting processes.[40]

[39] Legal Submissions dated 25 November 2025, at para 6.12.

[40] Ibid, at para 6.13.

Building bulk and design

447 The proposed steel manufacturing facility will have a large footprint. The coverage of buildings proposed to be constructed is estimated to require a building platform of 21.2ha (i.e., 39.5% of the Site area), with large scale envelopes of each building (ranging in size from 380m^2 GFA to 34,000m^2 GFA). Building heights are of a similarly large scale, ranging between 4m to 35m with stacks at 55m for the steel melt shop and 56m for the reheating furnace. This is, undoubtedly, a substantial industrial activity and use of the Site.

448 The reasons for consent being required, as they relate to the proposed built form and use, are as follows:[41]

a. Building height: Rule GRUZ S3 (where building exceeds 15m and chimneys exceed 17m), as a Restricted Discretionary Activity.

b. Building coverage: Rule GRUZ S9 (where 5,000m^2 is exceeded), as a Restricted Discretionary Activity

c. Establishment and use of a 'waste management' facility: Rule GRUZ R41, as a Discretionary activity

d. Industrial activity in the General Rural Zone: Rule GRUZ R58, as a Non-complying activity

449 The AEE acknowledges the 'expansive proposed footprint for the project'[42] and identifies this as a consideration in site selection. The proposed recontouring of the Site enables a large building platform (at RL 14) to accommodate the proposed built form of this industrial activity, which, as described in the AEE, is to sit within a 'horseshoe ridge', utilising existing and re-contoured site topography. The AEE further describes this work in its effects analysis:

> *The project includes a 21.2ha steel manufacturing plant platform, with associated earthworks extending over 48.7 ha. Extensive earthworks will modify the natural landform to create a level platform at RL +14 m. The project will result in significant landform modification, replacing natural rolling topography with engineered platforms and batter slopes. The physical effects on the landscape are assessed as Moderate, due to the scale of modification and the level of temporary effects.*[43]

450 While the overall bulk and location of the proposed plant is provided as part of the Application, some details of the proposed build (such as colour) have not yet been confirmed.

Visual impact

451 A Landscape Assessment Report prepared by Greenwood Associates[44] has considered the potential landscape and visual effects that the Proposal may have within its

[41] As confirmed by WDC in comments received on 18 November 2025.

[42] Assessment of Environmental Effects, section 7 (at para 7.4), page 50.

[43] Ibid at para 7.102, page 65.

[44] Greenwoods Report dated 26 May 2025.

surrounding environment. This assessment was made having regard to the existing Site and its wider landscape character context, with the conclusion being made that the level of physical landscape effects, as required to accommodate the built form and its associated roading, monofils and services, would be moderate. This assessment was partly informed by the consideration of the Proposal from five public viewpoints.

452 While the recontouring of the Site enables the large buildings proposed, to (an extent) 'sit within' this modified landscape, there will remain a significant visual change to the Site which will be evident within the wider landscape; including visibility of the proposed stacks. It is understood that the landscaping and planting proposed will not screen the proposed built form. It is, however, intended to soften with increased plant coverage and planted embankments.

453 While acknowledging that the Proposal 'is not a piece of infrastructure that would be typically associated with a rural character'[45], this Landscape Assessment considered that the surrounding non- traditional rural activities provide a 'sense of absorption' for the visual effects associated with the Proposal. The AEE concludes that visual impact from the Proposal would be limited.

Comments Received

454 No specific concerns were raised in comments received regarding the proposed building bulk and design. While a concluding remark was made in the comments received from Harness Downs Ltd, that the Site was 'not suitable for industrial activity', this related to cultural, archaeological, ecological concerns rather than visual impact.

455 The neighbouring property owners to the east of the Site, Mr and Mrs Saxton, did express concern in their comments that there is no 'buffer' provided to the 'massive' development proposed. In this case, although there was reference to visual impacts, the specific concerns related to environmental considerations. Mr and Mrs Saxton observed that the Proposal would result 'in a large scale and intensive industrialisation of land zoned as Rural'.

Applicant response to comments

456 In the Applicant's response to comments received, the incompatibility of the Proposal with the Rural zoning (as raised by Harness Downs Ltd) was addressed. The Applicant acknowledged that the size and scale of the development is a significant change to the rural zone but considered that this should be considered within the context of the Site's location, being in proximity to other large scale non-rural activities (Hampton Downs Motorsports Park, SH1, the Springhill Corrections Facility and the Enviro NZ landfill). The Applicant responded stating the Proposal was not considered inappropriate within the surrounding receiving context.

Panel Findings

457 The Panel appreciates that there will be a significant visual change to the Site, in order to accommodate the proposed steel plant, which is acknowledged as an industrial activity in this rural zone. This change will involve modification to the Site landform with significant earthworks and recontouring as required to provide the necessary

[45] Ibid at para 6.14.

engineered building platform. Further change will occur through the construction of large-scale industrial buildings and chimney stacks, which will be of a noticeable building height and bulk. The Panel acknowledges that this will have a marked visual change to the Site.

458 However, we accept the observations made in both the Application and the landscape and visual assessment that this location, within which the Project is proposed to establish, is highly modified, featuring a mix of established and proposed agricultural land, industrial facilities and recreational facilities. Many of these are of similarly large-scale built form. For this reason, the Panel finds that there is an ability for the Proposal to be absorbed into the surrounding mixed-use semi-industrial environment without a significant adverse visual impact resulting.

459 That said, the Panel is aware that traditional rural activities do exist within the immediate neighbourhood to the Site, with rural residential development to the east and interspersed further afield. However, the Panel accepts that the recontoured site topography, which in effect creates a southern ridge around the lowered building platform, will reduce the visual impacts of the proposed built form to an acceptable degree.

Water take and supply

460 As described in Part B of this decision, the overall project requires significant amounts of water, primarily for cooling within the steel making process. A water supply of 2,800 m^3/day (840,000m^3/yr) is required, and it is proposed to utilise three different sources for this supply:

a. Water sourced from the Te Kauwhata Water Association Water Supply Scheme (**TKW**);

b. Collected and recycled stormwater; and

c. Groundwater abstraction

461 The Application included an assessment of the potential water supply options and their effects (Earthtech Ltd, May 2025). This assessment discussed the three options, providing the background to the stormwater harvesting calculations, the likely availability of water from the TKW Scheme, and an estimate of groundwater yield based on extrapolated results from two test bores (BH42 and BH54). Based on the yield achieved during this preliminary testing, Earthtech recommended consent be sought for the taking of up to 1500 m^3/day of groundwater from a total of four bores.

462 A further assessment of hydrogeological effects was prepared by Stantec New Zealand (June 2025) and was provided as Attachment 28 of the application. The Stantec report used the information presented in the Earthtech report, results of the preliminary bore testing and a review of other publicly available hydrogeological information to assess the potential effects of a future abstraction. Based on advice from the Applicant, a total of 1000 m^3/day rather than 1500 m^3/day of groundwater abstraction from the site was used for the basis of the assessment.

463 Additionally, initial feedback from WRC was provided as Appendix 30 of the Application discussing all three sources of water, followed by WRC substantive feedback. The key issue raised by WRC was that the requested groundwater abstraction was based on

limited investigation of groundwater, and that no constant rate pump tests were carried out. This resulted in limited information on which to assess effects on neighbouring groundwater users, and groundwater dependent surface water features.

Overview of TKW Water Supply

464 Whilst the Applicant confirmed the availability of surface water allocation in the Waikato River and considered the construction of a private pumping scheme and pipeline, their preferred approach is to utilise the existing Whangamarino Rural Water Supply Scheme which is operated through TKW.

465 The TWK supply currently has excess allocation available (enough to provide the full amount of Green Steel's daily demands). Feedback received from WRC, provided as part of the Application, stated that there would be no additional consenting requirements for Green Steel to take water from the TKW scheme.

466 The TKW scheme already serves the Spring Hill Corrections Facility and discussions between the Applicant and TKW have identified that an infrastructure upgrade involving between 1km and 3km of 150 mm diameter water pipeline may be required. Any permits or approvals required for the upgrade and/or construction of this pipeline fall outside this FTAA process and have not been considered by the Panel.

Overview of Rainwater and Stormwater Harvesting

467 The Applicant plans to collect rainwater and/or stormwater that falls onto rooftops and hard standing across the Site. This water would be collected and stored for re-use in a large pond located at the northern end of the Site. The storage has been designed to capture a 24hr 10% Annual Exceedance Probability (AEP) event. Airey Consultants (May 2025), who have carried out the stormwater system design, note in their report that stormwater runoff collected from the impervious areas of the site can provide an average supply of 42 m^3 of water per day, which is approximately 15% of the Steel Plant's daily water demand.

468 The collection and reuse of stormwater (and groundwater drainage, as discussed in the Monofill Section) does constitute a take and diversion of water because this water would normally infiltrate into the soil to become groundwater, or flow overland into drains and then ultimately into the Waipapa Stream. WRC noted in their review (email from Cameron King to Stephen Howard dated 22 April 2025) that a take/diversion of this volume would normally require a resource consent for Damming and Diversion of Surface Water, and a Surface Water Take consent.

Overview of Groundwater Take

469 The geology at the site is primarily comprised of a shallow layer of Taupo Pumice Alluvium at surface (streams and drains on site are in this unit), some Rhyolitic Terrace Deposits on the eastern side of the Site, and Amokura Formation beneath the balance of the Site. The Amokura Formation consists of alternating layers of siltstone, mudstone and sandstone and is a sub-unit of the Waitemata Group rocks.

470 While some shallow groundwater may be perched in the low permeability surficial alluvium, the primary aquifer beneath the Site is within the Waitematā Group Sandstone Aquifer. This is a fractured rock aquifer, and the groundwater yield is controlled by the presence of fractures.

471 The Applicant carried out geophysical surveys to identify the locations with the highest likelihood of encountering groundwater. This led to the drilling of two 100 mm diameter test boreholes (BH42 and BH54) to depths of 300 and 250 m respectively. These two bores were subject to airlift and step drawdown testing to provide an indication of potential yield.

472 It is the Applicant's intent to enlarge these two bores in the future to a diameter of 150 mm, which would increase their yields. Including an allowance for the increased diameter, the assumed yields were 336 and 432 m3/day, or 770 m3/day combined. The Applicant states that in the future, additional new wells may be drilled to increase supply, and therefore the Application requested a groundwater allocation of [illegible] m3/day.

473 It is the Panel's understanding that the assessment of long-term groundwater drawdown, and the effect of drawdown on neighbouring groundwater users, aquifer sustainability and groundwater dependent surface features (such as springs, stream baseflow and wetlands) is normally carried out using information derived in a constant rate aquifer test (pump test). No constant rate testing has been carried out on the Applicant's bores.

474 In lieu of the typical constant rate test data, Stantec (2021) used a combination of the short-term yield test data, and literature values to carry out their assessment of effects. Stantec concluded that the drawdown effects on neighbouring bores would not be significant, and that streamflow depletion effects are not significant. However, they acknowledged the limitations of the information collected to date, and recommended further onsite testing to better understand sustainable take rates and recharge.

Comments Received

475 WRC's initial comments were appended to the Application, and were followed up by substantive comments following the Panel's request for comment. WRC officers Ms Nicki Wilson (Hydrologist) and Mr Cameron King (Water allocation specialist) identified that the Applicant had not provided an assessment in sufficient detail to ascertain interference effects with other nearby bore users nor the impact on nearby surface waters from the groundwater take.

476 In response to this feedback, the Applicant offered to condition the requirement to undertake constant rate pumping tests and technical work and analysis to provide more detailed information for an effects assessment that will be submitted to WRC in a management plan for technical certification.

477 WRC states that this is not typical for larger groundwater takes and therefore requested that conditions to this extent are tight and well written. WRC requested conditions referred to an interference risk assessment, stream depletion assessment, and that groundwater must not be taken prior to technical certification.

478 Corrections provided comments on the Application and noted their concern over the proposal to source water from the TKW scheme and the potential for a reduction in supply pressure to the Spring Hill Corrections Facility (**SHCF**). Corrections requested:

a. That the supply of water from the TKW scheme to the Site ensures that there is no reduction in water pressure available to the SHCF site.

b. Proposed condition 36 is amended to require the consent holder to demonstrate that there will be no reduction in water pressure to the SHCF site as part of the detailed engineering plans and supporting design reports provided to WDC for certification.

c. The supply of water from the TKW scheme to the Project ensures that reasonable water allocation remains available for other users, including SHCF, to meet a potential increase in the prison population or new development in the future.

479 Due to the uncertainty in the groundwater assessment provided by the Applicant, the Panel decided to invite comments from all registered groundwater users within a 2km radius of the Site. The Panel considered this a precautionary and conservative approach. Despite the Panel extending the invitation to comment, no further responses regarding groundwater or water use were received.

480 Mike Peters of the Meremere East Drainage District, and Chief Executive of TKW, commented that there is no natural water outflow from the Waipapa Stream into the Waikato, and that all water must be pumped into the Waikato River flow within the scheme. He is of the opinion that any reduction in flow caused by the Proposal would be positive, as it would reduce the volume required to be pumped, and reduce flood risk.

Applicant's Response to Comments

481 The draft groundwater conditions included in WRC's feedback had already been developed in consultation with the Applicant and therefore there was only a limited further response to comments:

a. The Applicant supported the suggested authorisation of groundwater take conditions 5-7 which requires future investigations and assessments.

b. The Applicant did not support the requirement for Virtual Testing and argued that WRC's interpretation of the Measurement and Reporting of Water Takes Regulation was incorrect. Its view is that reporting of zero takes is only required once the consent is given effect to. It is not required in the period between granting and first use.

482 Response to general comments received by the Applicant included a legal memorandum dated 25 November 2025. This set out the comments received and summarised the Applicant's responses. This included reference to offered conditions and to newly drafted conditions.

483 In response to the water supply concerns raised, the Applicant opposed Correction's requests and proposed conditions, noting:

a. That the SHCF does not hold an allocation from the TKW Scheme other than for farm use. An email from Mike Peters of TKW was provided in support.

b. The Applicant proposes an entirely separate network from the one used by SHCF for the conveyance of water from the TKW Scheme.

c. That regardless of the above, there is no statutory or regulatory basis to require the Applicant to ensure there is sufficient allocation for another user's future needs.

484 The Applicant also supported the comments from Mike Peters regarding the positive effects of any stormwater storage and/or reduction in flow.

Panel Findings

TKW Water Supply

485 The Panel supports the use of the TKW Scheme as the primary source of water because taking water from the already consented and under-utilised scheme is likely to have fewer effects on neighbouring water users and the environment than taking from other sources.

486 The Panel notes that the allocation of water to the Project from the TKW Scheme, and any infrastructure requirements (such as the pipeline and other associated upgrades) do not form part of this Application and therefore the Panel makes no further comment in this regard.

Rainwater and Stormwater Harvesting

487 The Panel supports the harvesting of rainwater and stormwater from the site to supplement overall daily water requirements. This proposal has benefits of flood mitigation and stormwater treatment that would not otherwise occur. However, the Panel notes that WRC stated that damming and/or diversion of stormwater would normally require a resource consent both for the damming and diversion component, and for the surface water take component.

488 The draft conditions include authorisation for damming and diversion, and the Panel considers this sufficient.

489 Neither the draft conditions from the Applicant or WRC included conditions for a surface water take, despite WRC stating in its substantive response that they are required, and the AEE including them in the application. The Panel considered that further information was required before approval to take up to 420 m^3/day could be granted. In response to Minute 17, as described in paragraph 81 above, WRC confirmed sufficient information had since been provided by the Applicant regarding surface water take from the proposed on-site stormwater ponds and provided conditions to effectively manage the surface water take element of the Proposal. These conditions are included in Appendix A.

Groundwater Abstraction

490 The Panel agrees with WRC that the proposal to essentially shift the assessment of groundwater effects to a condition is unusual and requires careful consideration. In this instance, the Panel has concluded that consent to take up to 1000 m3/day of groundwater can be granted, subject to the agreed conditions requiring future testing and confirmation of assessment of effects. The basis for the Panel's decision is that:

a. The aquifer is low yielding, and completely reliant on the presence of fracturing to provide a reasonable yield. It is acknowledged that yield will be spatially

variable, and that neighbouring bores provide a reasonable estimate of likely yields. The Panel does not think the final yields will differ greatly from those presently estimated.

b. There is sufficient allocation in the aquifer so that effects on the overall resource are negligible

c. The groundwater will be taken from a deep aquifer, reducing/avoiding effects on surface features and there are low permeability geological units above the intakes

491 However, the Panel does not authorise the use of BH42 as a supply well if the southwest monofill is developed. The Panel finds that the risk of contamination of groundwater is too high to allow a supply well to be installed through the monofill liner. This is discussed in more detail in the Monofill section.

492 The Panel did not originally support the inclusion of the virtual measurement conditions (9, 11 & 12). The Panel understands that the intent of the virtual conditions was for compliance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010. This virtual reporting would be for the period between the granting of the approval, and the first take and use of groundwater at which point Condition 10 (requirement for a physical measurement system before any water is taken) takes effect. 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 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.

Contaminated soil

493 Williamson Land and Water Advisory undertook a Preliminary and Detailed Site Investigation (**PSI/DSI**) to determine the presence of contaminated soils at the Site (the **Williamson Report**).[46] The Williamson Report concluded that the Site was primarily used for pastoral farming and haymaking, with several sheds constructed in the eastern section between the 1940s and 1980s. A sealed access road was also established between 1997 and 2007.

494 The Williamson Report identified the following potential Hazardous Activities and Industries List (HAIL) activities at the Site:

a. Activity A1: Agrichemical storage and use

b. Activity A8: Livestock dip/spray operations

c. Activity E1: Buildings with asbestos-containing materials

d. I: Potential release of hazardous substances.

495 The PSI/DSI indicated that the main area of the Site is not considered to be a HAIL site. It also assessed the likelihood of soil contamination resulting from livestock and spray

[46] Attachment 14 to the Assessment of Environmental Effects.

operations, as well as the storage of agrichemicals. Soil sampling was conducted around farm buildings and it was found that, though no organochlorine pesticides were detected, heavy metals (e.g. arsenic, lead, zinc) were found above background levels in some areas, but do not exceed National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (**NES-CS**) or ecological criteria.

496 Asbestos fibres exceeding NES-CS thresholds were detected in topsoil around the woolshed, likely from materials used in the shed's construction. Due to confirmed asbestos contamination (HAIL E1), soil disturbance in this area would exceed permitted thresholds, therefore triggering the need for restricted discretionary consent under regulation 10 of the NES-CS. The Applicant considered no additional consents were required under the WRP, as no remediation was needed for environmental protection purposes.

497 In addition to the soil disturbance proposed for enabling works, approximately 400m^3 of contaminated soil requires remediation due to concentrations exceeding NES-CS guidelines. As outlined above, both surface and subsurface contamination by heavy metals and elevated asbestos levels in soils around the farm buildings have been identified.

498 Asbestos remediation is governed by the NES-CS and the Health and Safety at Work (Asbestos) Regulations 2016. 'Class B' works controls are required for asbestos-impacted soil to excavate and dispose of the soil at a licensed facility. Remediation will occur as part of enabling works prior to broader earthworks at the Site. The removal of any building materials with asbestos containing materials will also need to be managed by a licensed SQP.

499 The SMP outlines procedures for the safe handling of asbestos containing materials, and includes recommendations for handling, disposal, and site validation. Soils not impacted by asbestos or metals will be reused or disposed of as cleanfill. The AEE considers that once site validation and testing are completed, there will be no residual risk to the future users of the site, and therefore, the effects of the soil contamination are no more than minor.

Panel Findings

500 The Panel has considered the AEE and Williamson Report, and accepts that the actual and potential adverse effects on the environment and human health from contaminated soils found on site can be appropriately managed.

501 The consent conditions seek to ensure that soil disturbance activities are undertaken in accordance with the SMP and PSI/DSI, so that any remediation is undertaken prior to any other earthworks occurring in the identified contaminated soils area of the Site.

502 The Panel concludes that the proposed development will not generate adverse contaminated land effects and not be at odds with the intent and purpose of the NES-CS.

Wastewater treatment and disposal

503 A wastewater treatment and land disposal system is proposed at the Site. This system will service staff facilities (restrooms, kitchens, cleaning) and will primarily treat and

dispose of domestic type wastewater. As the daily discharge volume exceed 3,000 L, the activity is classified as Discretionary under Rule 3.5.7.7 of the Waikato Regional Plan.

504 The Domestic On-Site Wastewater Treatment & Land Disposal Assessment, prepared by Ormiston Associates Ltd (the **Ormiston Assessment**) details the design, operation, and compliance of the proposed system. The multi-stage system includes:

a. A 6,000 L grease trap for kitchen wastewater.

b. Primary septic tank (25,000 L) for initial solids separation.

c. Secondary treatment comprising of a two-=stage textile filter system for further organic breakdown and contaminant reduction.

d. Balancing tank to regulate flows and accommodate peak volumes.

e. Pump chamber to control effluent discharge to designated land application area.

505 The treated effluent will be discharged to land via the pump chamber (as described above). As the anticipated daily volume exceeds the permitted thresholds, a new discharge consent is required.

506 Designated land application areas have been selected to minimise environmental impacts and meet regulatory requirements. These areas are positioned away from sensitive ecological zones, including the Waipapa Stream and wetlands. Moreover, the disposal areas provide adequate soil filtration and absorption. The system ensures even effluent distribution, therefore reducing risks of runoff and contamination.

507 The proposed wastewater system is a site-specific design, informed by site investigations carried out by Ormiston Associates, meant to be functionally and environmentally sound. The AEE concluded wastewater treatment and discharge will have negligible effects on the environment.

Panel Findings

508 The advanced treatment process minimises nutrient and contaminant concentrations, with monitoring ensuring contaminant loads remain within regulatory thresholds. The system is designed to prevent localised accumulation and adverse effects on soil and groundwater. In this way, subject to compliance with relevant conditions, the Panel considers effects stemming from this element of the proposal will be less than minor.

Infrastructure Requirements

509 This section addresses electricity supply to the Site. Water take, stormwater treatment and wastewater disposal are assessed separately under their respective headings below.

Electricity Supply

510 When fully operational, the Project will require up to 56MW of electrical power, primarily to power the EAF. At the time it applied to become a listed project under the FTAA, the Project proposed to include an on-site solar farm producing up to 20MW. That proposal was abandoned before the Application came before the Panel for consideration. As a result, the entire 56MW will need to be supplied from the National Grid. Elsewhere in this Determination, the Panel has considered the GHG emissions associated with the generation of that electricity. This section considers the potential impacts associated with its supply and delivery to the Project.

Relevance to the Panel's decision

511 As noted by the Applicant in Counsel's memorandum of 19 December 2025, it is not normally the function of the RMA consenting process to consider a proposal's feasibility, citing *New Zealand Rail v Marlborough District Council*[47]. Counsel submits that the FTAA does not create a ground for declining consent based on the feasibility of yet to be finalised third-party infrastructure.

512 While the Panel accepts that such matters would not normally be relevant in an RMA consenting process, the position is different under the FTAA. That is because of ss 22 and 85 FTAA pursuant to which the Panel is required to consider the regional and national benefits and be satisfied that they are not disproportionally outweighed by the adverse impacts.

513 Section 84A FTAA, enacted in December 2025, provides that the Panel may set conditions to ensure that that the infrastructure in the area or on which the Project will rely is or can be made adequate to support the Project. Any such condition can only be binding on the Applicant.

514 Consideration of the availability and effects of electricity supply arises for two reasons. The first, raised in comments and by the Panel, is whether the Project's electricity demand can be met. The relevance is that if it cannot be met then the Project might not proceed, either as intended or at all, and not qualify for approval. That is because the benefits of the Project are tied to the levels of steel to be produced and the new employment generated. These could not be realised if the Project cannot operate, or its operation is significantly constrained, because sufficient electricity is not available.

515 The second consideration is whether in order to meet that demand, the required infrastructure could have adverse impacts, particularly on neighbouring properties. This was raised by Mr and Mrs Saxton in their comments, as they own and occupy adjacent land that could be affected. Electricity infrastructure on their property would be sufficiently proximate to the Project to be regarded as an impact of the Proposal.

Availability of electricity supply

516 The AEE lodged with the Application included at Attachment 27 a letter from WEL dated 19 May 2025, stating that it had investigated the 56MW electricity supply requirements and was taking measures to enable this. WEL stated that as its 33kV substation next to the Site was insufficient, it was assessing potential options. It

[47] *New Zealand Rail v Marlborough District Council* [1994] NZRMA 70 (HC).

described only the "main option", being the potential acquisition of some or all of Transpower's 110kV network between Bombay and Hamilton.

517 WEL's letter contained several cautions and caveats. The option was contingent on the Transpower network being sufficient and on WEL's successful acquisition of it, including the necessary rights and technical and operational support to maintain and operate the network. WEL indicated it might also need approvals from regulatory bodies or third parties such as landowners.

518 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, but was addressed subsequently by the Applicant (and by WEL), as set out below.

Potential impacts on Mr and Mrs Saxton

519 When responding to the Panel's RFI in Minute 2, the Applicant stated that its site selection criteria included that "the main transmission lines were on the right side of the motorway and close by". Mr and Mrs Saxton took this as indicating that their land would be needed for a transformer station and additional transmission lines. There had been no assessment of the effects on them, nor of the legal mechanism by which this could be done.

520 The Panel then issued an RFI in Minute 10 seeking clarification as to the electricity supply including whether it would require access over, or might affect, the Saxtons' property, and what other realistic options were available.

Applicant response to comments

521 In response to this RFI, the Applicant provided a letter from another electricity supplier, Counties Energy Ltd, dated 14 January 2026 together with a planning assessment dated 13 January 2026. WEL provided a letter dated 19 January 2026.

522 WEL's letter stated that a number of potential options had been identified and that while the 110kV network was an option, it was not presently being considered by WEL. There was no indication or explanation of the other options, and no reasons why WEL's previous "main option" was no longer being considered.

523 Rather, it was WEL's stated approach that electricity supply did not form part of the application and any resource consent or easement requirements would be addressed separately and after the Project was approved. WEL noted its preference that infrastructure be installed in the road reserve wherever practicable, and recorded that any new infrastructure on private property would require landowner agreement.

524 Counties Energy's letter advised that it has the network capability and engineering pathway to provide 56MW of firm capacity to the Site. It had undertaken a preliminary route assessment and identified an alignment that would avoid the Saxton property, and advised that other viable route options exist. Counties Energy advised that a substation would not be required because the Project would take supply directly at 110kV so that only switching and metering facilities would be required. Counties Energy had recently completed the design for a comparable 110kV connection in south Papakura which, it was advised, was comparable to the Project's connection.

525 The Applicant's planning assessment identified that electricity supply infrastructure is a permitted activity under the District Plan provided it meets certain standards, which was considered achievable with careful design.

Panel Findings

526 Although the Applicant has engaged primarily with WEL for the supply of electricity to the Project, it evidently has the option of dealing instead with Counties Energy. 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 Saxtons' property rights. The planning assessment shows that any infrastructure that may be required can be designed so as to qualify as a permitted activity, and thereby avoid adverse effects on Mr and Mrs Saxton beyond the permitted baseline.

527 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. Either there will be no adverse effects on them in excess of the permitted baseline, or a further resource consent will be required of which, if it affects them, they should be notified.

Greenhouse gas emissions

528 One of the claimed benefits of the Project is an overall reduction in global emissions of CO_2. This is the subject of separate consideration in Part H of this decision, which has also considered the potential for CO_2 emissions from generating the 56MW of electricity required to power the EAF.

529 In this section of the decision the Panel addresses the greenhouse gas (**GHG**) (mainly CO_2) emissions from the operation of the Project. Discharges of contaminants, including discharges to air, are considered separately.

530 The AEE included a section on GHG emissions, and provided (at Attachment 29) a report in the form of a proposed emissions plan by Lumen Ltd, dated 21 May 2025. This was required for compliance with the NES - GHG, regarding emissions from industrial process heat.

531 The focus of the AEE was the claimed reduction in global emissions, which the Panel addresses in Part H. Consistent with the Lumen report, the only significant GHG emissions from the Project once in operation, will be from the use of LPG to fire the equalising furnace.

532 On the basis that the Applicant has met the requirements of the NES-GHG regarding its proposed emissions plan, then consent can be granted as a restricted discretionary activity consent. The Panel's decision (refer Part H) is that these requirements have been met and that such consent should be granted.

533 The Project, when in operation, will generate CO_2 emissions in the order of 3,900 tonnes per year, after applying the BPO as described in the Lumen report. There is a risk that the BPO will not be as effective as anticipated, resulting in higher CO_2 emissions.

534 It is acknowledged by the Applicant in the AEE and in the Lumen report that New Zealand's decarbonisation goals should be taken seriously. While implementation of the BPO will achieve a reduction in what might otherwise have been the Project's CO_2 emissions, the fact remains that as a result of this Project several thousand tonnes of CO_2 will be emitted annually into the New Zealand environment that is not presently being emitted, at least not in New Zealand.

Request for further information and the Applicant's response

535 In Minute 2 the Panel requested clarification as to how the emissions from the LPG to be used in the equalising furnace had been accounted for in the estimates of GHG emissions.

536 In response to this request the Applicant provided further information (in the Addendum to the Castalia Report) regarding the impact of the GHG emissions from the use of LPG in the equalising furnace. It noted that the Lumen report's estimate of 3,900 t of CO_2 emissions per annum equates to about 0.0195 t CO_2 per tonne of steel produced. The focus of the Castalia report (and the Addendum) primarily being on the Project's economic benefits, unsurprisingly it concluded that this level of emissions would have negligible effect.

Panel Findings

537 Although the Panel has found that the Proposal satisfies the requirements of the NES-GHG as to the identification and implementation of the BPO for reducing GHG emissions from industrial heat processes, it will still result in new (to New Zealand) CO_2 emissions in the order of 3,900 tonnes annually. This cannot be disregarded, particularly as it exceeds the NES-GHG threshold. However, it must be considered in context, including the reduction in global CO_2 emissions by reason of the Project's intended use of the high proportion of renewable electricity available in New Zealand. In this context, and recognising that the emphasis in the NES-GHG is on reducing and not eliminating GHG emissions, the Panel assesses the effects of GHG emissions as no more than minor.

Hazardous substances storage

538 The Project will require large volumes of hazardous substances to be stored and used on site for the operation of Project, including machinery, melting plant, rolling mill, and the EAF. All of these are integral to the process and production of recycled steel. There are other ancillary facilities which will require the storage and use of hazardous substances. Such facilities include the oxygen plant and waste slag processing and storage facilities.

539 All hazardous substances to be stored at the Site are intended exclusively for heavy vehicle use, machinery, and plant equipment necessary for operations. They will be stored in bulk storage tanks and ancillary storage facilities on the Site. Given the nature and quantity of hazardous substances intended for storage and use at Site, it is categorised as a Highly Hazardous Site by the WDP. This classification requires resource consent as a discretionary activity for the storage of highly hazardous substances, including flammable gasses and liquid materials.

540 A hazardous substance assessment and technical report was prepared by Williamson Water and Land Advisory (**Williamson Report**) in response to the WDC's technical

review and recommendations which highlighted inadequacies in the Application's preceding assessment. The Williamson Report identified any actual or potential hazards and effects arising from hazardous substances and their storage, as well as any risks associated with the Project. It also provided a technical analysis of the existing environment, including site topography, hydrology, sensitive ecosystems, and potential environmental receptors that may be affected.

541 The Williamson Report also identified the types and estimated volumes of hazardous substances anticipated to be stored in bulk at the Site, summarising estimated values and volumes. The hazardous substances identified are as follows:

a. Bulk oxygen (liquid and gaseous) will be stored for use in the EAF plant, billet cutting and casting plan and for general purposes. Three storage vessels are proposed, including two 50m^3 buffer tanks for gaseous oxygen storage and one bulk liquid oxygen tank of 200,000L water capacity (equivalent to approximately 16,000 m^3 of gaseous oxygen).

b. Diesel will be stored in bulk for refuelling machinery and heavy vehicles. The diesel storage tank will be located above ground in a skid-mounted 2,000L capacity tank and fitted with an appropriate secondary containment system.

c. LPG will be stored in bulk to provide energy and heat for the EAF and rolling mill. The LPG storage vessel will have a water capacity of approximately 50,000L (equivalent to some 25,500kg of LPG in liquid form).

542 Though final quantities of hazardous substances being stored on site will be confirmed during the detailed design phase, current estimates exceed WDC standards. Consequently, the Project is subject to the requirements of the NES-CS, the Hazardous Substances and New Organisms Act 1996 (HSNO Act) and the Health and Safety at Work Act 2015 (HSWA).

543 In addition to the bulk liquid oxygen, diesel and LPG described above, the Application identifies several other hazardous substances proposed for storage at the Site. In addition to small quantities of oils and lubricants required for machinery operation and maintenance, as well as acids and alkalis used in water treatment and process control, chemicals such as sodium hydroxide, hydrochloric acid, and coagulants will be stored. These chemicals will be stored in purpose-built containers with appropriate bunding and containment systems to prevent accidental release. Paints and solvents for equipment maintenance, along with compressed gases like acetylene for welding and cutting, will also be present in designated storage areas. All storage and handling activities for these substances will be designed to meet the regulatory requirements outlined in the NES-CS, HSWA and HSNO, thus ensuring minimisation of risks to human health and the environment.

544 The Williamson Report indicated that the topography of the Site may result in significant adverse environmental effects if a hazard spill, discharge or event such as hazardous substance combustion causing an explosion or fire, or climate induced flooding was to occur. This is due to the undulating hilly landscape, soil type, overland flow paths and attributing water bodies within the Site and surrounding catchment. Groundwater levels have been found across the site at shallow depths and sensitive environments such as the Waipapa Stream and indigenous habitats may be at risk from hazardous substances. The surrounding community, and contributing environments includes farmland, commercial operations and sites of cultural

significance including Marae, residents are unlikely to be impacted due to distance. The distance of residential receptors reduces direct risk, but ongoing vigilance is needed to protect the community. However, the site is prone to flooding and natural hazards, water quality, terrestrial eco systems and habitats as well as culturally significant sites within and adjacent to the Green Steen project site and wider catchment area.

545 Both the AEE and the Williamson Report conclude that any adverse or potential adverse effects associated with the storage of hazardous substances or hazard events can be effectively avoided and mitigated through robust storage solutions, management plans and conditions.

Comments Received

546 WDC raised several concerns regarding the handling and storage of hazardous substances at the Site. WDC emphasised the importance of robust containment measures and ongoing monitoring to prevent the contamination of soil and water, particularly given the Site's susceptibility to flooding and proximity to sensitive environments such as Waipapa Stream. They also recommended that comprehensive emergency response plans be developed and regularly reviewed, ensuring preparedness for spill, fire, or explosion events associated with hazardous substances. WDC also highlighted the need for compliance with all relevant national and district regulations, including the NESCS, HSNO and HSWA to safeguard human health and the environment.

547 In addition to the development of an environmental management plan to be certified by WDC, it was recommended that a certificate of compliance from a suitably qualified person be required to verify that the hazardous substance management practices at the Site meet the required regulatory standards. Such certification should confirm that containment systems, storage protocols, and emergency response plans have been designed and implemented in accordance with the HSWA, HSNO Act, and relevant provisions of the NESCS. This independent assurance would enhance confidence in ongoing compliance measures and provide an extra layer of accountability for the protection of human health, water quality, and sensitive environments.

Applicant response to comments

548 In response to WDC's concerns regarding the storage and handling of hazardous substances, the Applicant has acknowledged the importance of robust containment and monitoring measures. The Applicant has confirmed that containment systems and storage protocols will be designed in accordance with the NESCS, HSNO and HSWA. However, that ongoing monitoring will be implemented to ensure continued compliance and early detection of any potential contamination risks. The Applicant has committed to developing and regularly reviewing comprehensive emergency response plans for spill, fire, or explosion events, and will engage a suitably qualified person to provide a certificate of compliance verifying adherence to all regulatory standards. An environmental management plan will also be prepared and submitted to WDC for certification, reinforcing the Applicant’s commitment to protecting human health, water quality, and sensitive environments.

Panel Findings

549 Having carefully considered the information and evidence in relation to the storage and use of hazardous substances, the Panel agrees with the findings outlined in the

hazardous substances assessment and AEE, being that the storage and use of hazardous substances onsite can be effectively managed through management plans and robust conditions, as imposed by this decision.

PART G: REGIONAL OR NATIONAL BENEFITS OF THE PROJECT

550 Section 3 of the FTAA states that the purpose of the Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits. As noted above in Part C, s 81(4) FTAA specifically requires the Panel to consider the extent of the Project's regional or national benefits.

551 The assessment of the regional or national benefits as compared to adverse impacts in relation to an approval sought is particularly relevant in the context of a decision to decline approval. An approval can only be declined if the adverse impacts are out of proportion to regional or national benefits.[48]

552 There is no specific definition of significant regional or national benefits in the context of listed projects, of which Green Steel is one. Section 22 FTAA, which relates to the criteria for assessing a referral application, provides the following which the Panel considers is of assistance to its assessment of the Project's benefits:

> (2) For the purposes of subsection (1)(a), the Minister may consider—
>
> (a) whether the project—
>
> (i) has been identified as a priority project in a central government local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list:
>
> (ii) will deliver new regionally or nationally significant infrastructure or enhance the continued functioning of existing regionally or nationally significant infrastructure:
>
> (iii) will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020):
>
> (iv) will deliver significant economic benefits:
>
> (v) will support primary industries, including aquaculture:
>
> (vi) will support development of natural resources, including minerals and petroleum:
>
> (vii) will support climate change mitigation, including the reduction or removal of greenhouse gas emissions:
>
> (viii) will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards:
>
> (ix) will address significant environmental issues:
>
> (x) is consistent with local or regional planning documents, including spatial strategies:

553 When applying for Fast-track approval in May 2024 the Applicant claimed that the Project would have the following regional and/or national benefits (in summary):

a. A substantial reduction (c.75%) in CO_2 emissions both from the use of EAF technology to process scrap steel instead of traditional methods of extraction and

[48] Section 85(3) FTAA.

manufacture; and from no longer using overseas shipping to export the scrap metal and import the construction steel.

b. Establishing a circular recycling economy by processing up to 200,000 tonnes of previously exported scrap steel to produce structural steel domestically.

c. Creating 200 new skilled jobs in the Waikato region (as well as development and construction positions), boosting economic growth.

d. Generating up to 20MW of electricity from a solar farm proposed on the site.

e. Potentially driving down the price of some types of steel, thereby reducing construction costs.

f. Saving up to $320 million per annum in foreign currency, less earnings from exported scrap.

554 By the time the Application was lodged in July 2025 the proposed solar farm had been abandoned and the energy requirements of the Project were to be met primarily from electricity supplied to the Site, and partly from the use of LPG.[49]

555 The only benefits assessment provided with the Application was an Economic Impact Analysis by Castalia dated March 2025 (**Castalia Report**).[50] The primary benefits claimed (and assessed) were in relation to CO_2 emissions reductions, new employment and the financial returns to the Project's owners.

556 The Panel considered this report inadequate and issued requests for information in Minute 2 which the Applicant responded to[51], including with an addendum to the Castalia Report.

557 Much of the Castalia Report was based on "understandings" as to what the Applicant intended to do and its "business plan assumptions" as to which there was no evidence provided by the Applicant. In response to the Panel's Minute 2 the Applicant provided a statement by its director addressing several of these points. There remained some issues of concern for which the Panel issued a further request for information in Minute 4.

558 The Castalia Report, its addendum and its response to Minute 4, the director's statement and the further information provided by the Applicant have assisted the Panel's understanding of the claimed benefits of the Project, but the Panel still regards some of these to be uncertain. The issues it is required to consider are what are the Project's benefits and are they regionally or nationally significant.

---

[49] The Applicant had originally proposed to landfill gas (**LFG**) sourced from the nearby Hampton Downs landfill. The Application and assessment of benefits were based on the use of LPG (and not LFG) as there was no arrangement in prospect for the supply of LFG.

[50] Assessment of Environmental Effects Attachment 11.

[51] As referred to at paragraph 81 of this decision.

Reduction in CO_2 emissions

559 The Castalia Report assessed emissions benefits as worth $283.8 million (net present value) based on the current NZ ETS carbon price of $61.40 per tonne of CO_2. This is both from the use of EAF technology to recycle scrap steel replacing the traditional methods used to produce the construction steel currently imported, and from the reduction in transport emissions associated with overseas export and import movements.

560 The assessment was that using EAF technology to process scrap steel the Project will generate 0.5t of CO_2 per tonne of steel produced, significantly lower than is generated using traditional methods. Traditional methods involve blast furnaces and basic oxygen furnaces, using raw materials such as iron ore and coal. They are said to emit between 1.8t – 3.0t of CO_2 per tonne of steel produced, from which the Castalia Report adopted an average of 2t of CO_2 per tonne. This reduction (from 2t to 0.5t of CO_2 per tonne of steel produced) accounts for most of the assessed benefit.

561 Castalia provided several source references as to the comparison between on the one hand using EAF technology and renewable electricity for processing scrap metal, and on the other hand using fossil fuels either directly to fuel the traditional method or to generate the electricity for an EAF system.

562 One of these was a Fact Sheet issued by the Institute for Energy Economics and Financial Analysis (**Fact Sheet**), which indicates that 73% of global steel crude production (in 2020) uses the traditional method. Of the other 26% of steel produced using AEF technology, the majority was from scrap steel.

563 The Fact Sheet noted that the traditional method using coal was becoming obsolete in an emissions-challenged world. It concluded by stating that EAF process using scrap steel has the potential to be zero emissions where powered by renewables.

564 There is clearly an advantage to using scrap steel given that steel production from raw materials requires considerably more energy in obtaining the raw materials and, if the traditional method is used, in the manufacturing process.

565 There is also an advantage in recycling scrap steel from within New Zealand that would otherwise be exported, thereby avoiding the import of the equivalent volume of construction steel, so as to reduce CO_2 emissions from shipping. The Applicant's director indicated that some of the steel produced might be exported, so it cannot be assumed that all shipping-related emissions will be avoided.

566 The Applicant's evidence is that the construction steel currently imported into New Zealand is sourced from raw materials and not from recycled scrap steel. Steel produced from raw materials requires more energy than that produced from scrap steel, regardless of the process used or the energy source. Accordingly, the Project's use of scrap steel will avoid the CO_2 emissions associated with the extraction of the raw materials from which crude steel is made.

567 If the Fact Sheet is correct that the EAF process itself does not emit any (or any significant) CO_2, it would seem that the CO_2 emissions are mostly related to the generation of electricity to power the EAF plant. Thus, while the EAF technology avoids emissions from burning coal directly (as occurs with the traditional method) how much

of an overall reduction it achieves depends on how much of the electricity it uses is from renewables.

568 It is assumed that the scrap steel presently exported from New Zealand is recycled overseas, albeit not to produce the construction steel we import. It follows that the removal of that scrap steel from the global production cycle is likely to result in an equivalent amount of crude steel being produced to replace it.

569 While it is likely that there will be an overall reduction in global CO_2 emissions, quantifying the extent of that reduction is problematic. The Panel does not accept the simplified approach taken by the Applicant (and reflected in the Castalia Report) that there will be a c.75% reduction in CO_2 emissions based on the construction steel imported into New Zealand all being produced from raw materials using the traditional method, with no allowance for the displacement of the scrap steel currently being exported and recycled, including by using EAFs, either already or in the foreseeable future.

570 The Panel accepts however that there is likely to be a net reduction in global CO_2 emissions by reason of the greater availability in New Zealand of renewable electricity sources when compared to other countries where the exported scrap steel is likely to be recycled. In the Panel's view, the proper comparison for assessment purposes is between the CO_2 emissions associated with processing the scrap steel currently exported and those which will result from the Project's processing of that steel in New Zealand.

571 While the Panel accepts that there will be an overall reduction in global CO_2 emissions (both from this and from shipping), this does not translate into a direct regional or national benefit. It contributes to New Zealand's support for global greenhouse gas reductions, which may have an indirect national benefit. The calculation of that benefit by reference to the ETS price is somewhat artificial, as there is no actual monetary benefit, either regionally or nationally.

572 Against this is the fact that CO_2 emissions associated with the Project will be new to New Zealand, so it could be regarded as detrimental to this country's commitment to reduce its own greenhouse gas emissions. The Panel has therefore considered the potential for CO_2 emissions in more detail below.

<u>CO_2 emissions from electricity generation</u>

573 The opportunity for real improvement in CO_2 emissions in steel production (including in scrap steel) is by using renewable sources of electricity generation. At the time of the initial application to become a listed project under the FTAA, the Proposal included an on-site solar farm to generate much of the electricity required for the Project. This proposal apparently encountered technical difficulties and was abandoned. Therefore all of the electricity for the Project will need to be supplied from the national grid, through WEL, or as more recently indicated, Counties Energy.

574 The Applicant's information is that 56MW will be required, which is presently beyond the capacity of WEL's available infrastructure to provide. However, if that constraint can be overcome there will be 56MW of new power required for the Project.

575 Castalia's addendum to its Report addressed the issue of the additional CO_2 emissions from the grid-powering of the EAF process. From earlier work undertaken by Castalia

for other parties it was able to advise that new North Island load would be served c.93% by renewables and c.7% by open-cycle gas from about 2027. It also advised that the additional incremental load of the Project will be modest relative to overall demand growth.

576 Castalia provided a letter from James Carmichael of Aku Investments Ltd, who has considerable expertise in the area of electricity generation. He referred to the Applicant's stated intention to enter into long-term purchase agreements with renewable electricity developers but acknowledged that from time to time system-wide generation impacts might be partly attributable to the Project's operational demand. His advice to the Panel was that at these times there would be high spot prices such that the Project operator would be commercially incentivised to reduce plant load and trade back its reduced electricity load to the market.

577 With its response to Minute 4 Castalia provided further letter from Mr Carmichael explaining this process in more detail. Based on the information provided by Mr Carmichael and his expert opinion, the Panel accepts that the Project's impact on CO_2 emissions from electricity consumption is likely to be minimal.

578 There is an apparent inconsistency between these responses by Castalia and Mr Carmichael and the information provided in the Castalia Report. If the primary cause of CO_2 emissions associated with the EAF process is from the generation of the electricity required to power it, then the figure of 0.5t of CO_2 per tonne of steel used by Castalia in its primary calculations significantly overstates the likely emissions indicated in their addendum, emphasising the high proportion of renewables. Castalia noted in its addendum that its 0.5t of CO_2 per tonne assumption was based on overseas data, and was conservative.

579 In its response to Minute 4 Castalia advised that New Zealand's EAF production has a 5-7x lower emissions profile than overseas EAF plants where our scrap steel is exported to as they rely largely on electricity generated by fossil fuels.

580 The Panel is therefore left with some uncertainty as to the likely CO_2 emissions associated with the Project's intended use of EAF technology being mainly powered by renewable electricity, but accepts that it will be considerably less than those associated with the recycling overseas of the scrap steel presently exported, which the Panel considers is the more appropriate comparison when considering global emissions reductions. To the extent that this is achieves a global reduction in CO_2 emissions it is of limited and then only indirect, benefit to New Zealand.

CO_2 emissions from shipping

581 The same can be said of the reduction in CO_2 emissions from the fact that up to 200,000 tonnes of scrap steel will no longer be shipped overseas and the equivalent volume of construction steel will no longer be brought in by shipping. While this saving is referred to by the Applicant, and the Castalia Report provides some raw data,[52] there is no discrete assessment of the reduction or of any measurable benefit. Again, this is not a regional benefit and any national benefit is indirect.

[52] Being the average bulk transport emissions per tonne per km and indicative distances for imports and exports.

Employment benefits

582 The Applicant says the Project will create 200 direct new jobs, at remuneration levels significantly higher than average for the Waikato region. The value of this is estimated in the Castalia Report at $61.3 million. In addition, there will be short-term jobs associated with the Project's construction.

583 The Applicant's intention is to relocate its existing South Auckland shredder operation to the Site, preparing the scrap metal on-site to be processed through the EAF. It has not included in its count of new jobs the 25 existing jobs that will be relocated. In the Applicant's response to Minute 2 its director provided a schedule of the new jobs listing 16 managers, 96 supervisors, 47 plant operators and 41 skilled workers.

584 At first glance this seems top-heavy and over-staffed but if the operation is to be 24/7 the number and types of jobs might be more realistic. This will be once the operation reaches peak production, estimated to be 2031.

585 The basis for the remuneration levels being significantly above average for the Waikato region is stated in the Castalia Report as due to the higher productivity of the Project and its workers, compared to other firms and jobs. The average salary for the projected 200 workers on the Project is said to be $102,31[illegible], approximately 50% higher than the regional average wage of $68,681.

586 The Panel has some scepticism about the claim that the project's workforce will consistently be paid 50% more than other workers in the Waikato region. It accepts however that the creation of 200 new long-term jobs, the short-term construction jobs and the flow-on effects on local economic growth will be of regional benefit.

Financial returns to the Project owners

587 The Castalia Report assesses as a very substantial financial benefit the financial returns for the Project owners, along with replacing imported steel with locally produced steel and strengthening New Zealand's self-reliance and improving its current account balance. The Report does not itemise these benefits, but a large portion would appear to be the financial return to the Project owners.

588 In its addendum responding to the Panel's Minute 2, Castalia stated that returns to investors are a legitimate component of regional and/or national economic welfare when they reflect productive activity that expands a region's and/or New Zealand's output and income base. Castalia cites various sources that say that producer surplus and after-tax profits are integral elements of a project's net benefits, and that all benefits and costs should be taken into account in a cost benefit analysis.

589 Castalia's addendum was somewhat confusing in that it referred in this context to new value creation in the processing of scrap metal domestically, and the funding of wages and supplier payments. These can be considered as benefits these but are not the same as the private returns to the Project owner.

590 The Panel considers it unlikely that the FTAA's reference to significant regional or national benefits was intended to encompass the financial return to the developer or project owner, as distinct from broader public benefits. If that was intended, then any development project that provides a substantial financial return to the developer or

operator would qualify for fast-track consideration. Section 22(2) of the FTAA, set out above, would not support this interpretation.

Foreign currency savings

591 The Applicant says the domestic production of 200,000t of construction steel will save $320 million annually in overseas currency, being the cost of importing that volume of steel. It acknowledges that from this figure should be deducted the price received for the scrap steel currently being exported (which it did not quantify). The Panel accepts that this is of some benefit nationally, as helping New Zealand's balance of payments situation. The Castalia Report did not seek to quantify that benefit.

Reducing the price of construction steel locally

592 The Applicant's director stated that the construction steel produced by the Project will be cheaper than the equivalent imported steel. He said that the current retail price for imported steel is $3,000 per tonne and that the Applicant's financial model is based on a selling price of $1,600 per tonne. If the claimed foreign currency saving of $320m for 200,000t of construction steel imported each year is correct, then the landed price is $1,600 per tonne, the same as that modelled for steel produced by the Project. The Applicant has not made out a case that there will be any significant reduction in the price of steel.

Panel's conclusions on benefits

593 When the Project was accepted for listing in the Schedule to the FTAA it will have been on the basis that there would be significant regional or national benefits. They would have included, at that time, the assumed benefits of a solar farm producing up to 20MW of the 56MW required for the operation.

594 The Panel considers it is reasonable, on the information provided by the Applicant, to assume that at full production the Project will be producing and selling 200,000 tonnes of construction steel domestically per annum which (at current prices) costs $320 million to import. The Applicant has indicated that the price for the steel produced by the Project will match that figure of $320m.

595 While there needs to be some adjustment for matters such as that the price received for the scrap steel presently sold overseas, the effect of the Project will be that $300m or so spent off-shore will now be spent in New Zealand. Even if the Panel is correct that private returns to the Applicant or any other owner of the Project should not be counted as a regional or national benefit, there will still be economic (including employment) benefits that will be significant for the region, and potentially nationally.

596 The Panel also accepts that there is some benefit in improving New Zealand's self-sufficiency in the production of construction steel, but on its own would not regard this as a nationally significant benefit.

597 The Panel is required to consider the claimed benefits with particular regard to whether they are disproportionately outweighed by the adverse effects of the Proposal. The Panel's view is that the regional and national benefits of the Project have been considerably overstated, but when taken together will still be significant. These are particularly the increased employment opportunities and flow on effects in the Waikato region and the foreign currency savings, together with some indirect benefits by

contributing to a global reduction in CO_2 emissions and greater resilience from the domestic production of construction steel.

598 As the Panel has found that subject to the conditions it has set, the adverse environmental effects are no more than minor, they do not disproportionately outweigh the benefits of the Project such as to warrant consent being declined.[53]

PART H: STATUTORY DOCUMENTS

599 The AEE addressed the relevant statutory documents and identified relevant provisions. Rather than repeat all of that, this section addresses the documents of relevance to the Application (particularly the relevant provisions) and the comments received. The Panel also relies on our conclusions on effects and the conditions we have decided to impose in support of the conclusions reached on relevant planning provisions (including Part H: Regional and District Planning Framework as relevant to the topic area).

National Policy Statements

600 The relevant National Policy Statements were addressed in section 10 of the AEE and include:

a. National Policy Statement for Freshwater Management 2020 (**NPS-FM**);

b. National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023 (**NPS-GHG**).

National Policy Statement for Freshwater Management 2020

601 The NPS-FM came into force on 3 September 2020 and sets out a framework under which local authorities are to manage freshwater (including groundwater).[54]

602 The objective of the NPS-FM is to ensure that natural and physical resources are managed in a way that prioritises the:[55]

a. health and well-being of water bodies and freshwater ecosystems;

b. health needs of people (such as drinking water); and

c. ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

603 This objective reflects the hierarchy of obligations in fundamental concept – Te Mana o te Wai.[56] Policy 1 of the NPS-FM requires that freshwater is managed in a way that gives effect to Te Mana o Te Wai.[57]

[53] Refer to paragraphs 749-750 of this decision.

[54] NPS-FM clause 1.5.

[55] NPS-FM clause 2.1.

[56] NPS-FM clause 1.3.

[57] Note s104(2F) RMA directs that a consent authority must not have regard to cl 1.3(5) or 2.1 NPS-FM, which relate to the hierarchy of obligations.

604 Section 9.12 of the AEE outlined which NPS-FM policies the Applicant considered relevant to the Proposal, and provided a high-level assessment of those policies. It was considered that the following elements meant that overall consistency with relevant objectives and policies of the NPS-FM was achieved:

a. Mitigation measures during construction and operation (i.e. erosion and sediment controls and the treatment and reuse of stormwater);

b. On-site management of wastewater discharges with disposal areas well separated from any watercourse;

c. Early, meaningful and ongoing engagement with mana whenua; and

d. Allocation of water take applied for being appropriate for the nature and scale of the activity. In particular, the reuse of stormwater, groundwater abstraction and surface water take via a water scheme and existing allocation is considered an efficient use of the resource.

Panel Findings

605 As the presence of wetlands at the Site has now been determined, NPS-FM is also relevant insofar as the Project will result in the loss of 48m^2 of inland wetlands of low ecological value.

606 The Panel has considered the Applicant's assessment and subsequent comments received. We agree the Application gives effect to Te Mana o te Wai and is consistent with the objective and policies of the NPS-FM, especially when considering the net benefit of increasing wetland area through the offsetting proposed.

607 It is also considered that conditions provide sufficient certainty as to the offsetting and residual impacts associated with the loss of wetland area. Overall, the Panel is satisfied that the proposal is consistent with the NPS-FM.

National Policy Statement (and the National Environmental Standards) for Greenhouse Gas Emissions from Industrial Process Heat 2023

608 The Resource Management (National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat) Regulations 2023 (**NES-GHG**) and NPS-GHG both came into force on 27 July 2023 and apply to emissions of greenhouse gases from fossil fuel fired heat devices.

609 Regulation 10 of the NES-GHG states that the discharge of any greenhouse gas from a heat device that burns any fossil fuel other than coal is a restricted discretionary activity unless it is a back-up device or is a low-emission site. The equalising furnace proposed for the Project will emit more than 2,000 tonnes of CO_2 and so qualifies as a high-emissions site.

610 The Application seeks a restricted-activity consent as required by the NES-GHG. Regulation 11 states that resource consent may only be granted if Regulations 12 to 14 have been complied with, relating to the need for and requirements of a proposed emissions plan.

611 Regulation 13 requires the consent application to include a proposed emissions plan satisfying the requirements of Regulation 15. Regulation 15 describes the purpose and content of the emissions plan. Its purpose is to set out actions and methods to reduce CO_2 emissions, including by meeting any emissions reduction targets, in order to encourage, over time:

a. best practices in energy efficiency; and

b. the transition from fossil fuels to those that reduce adverse climate change effects.

c. the emissions plan must assess:

d. any technically feasible and financially viable lower-emissions alternatives;

e. the best practicable option (**BPO**) to prevent or minimise adverse climate change effects;

f. any available energy efficiency improvements and whether and how, they will be made;

g. a transition pathway setting out actions or methods to prevent or minimise the emissions; and emissions reduction targets for the activity unless the BPO provides no reasonable prospect of reduction.

612 The Application included, at Attachment 29, a proposed Emissions Plan prepared by Lumen Ltd. It identified that the equalising furnace is projected to consume 107GWh (or 7,700 tonnes) of LPG annually resulting in 22,900 tonnes of CO_2 being emitted each year, before implementation of the BPO described below.

613 The Emissions Plan addressed the above requirements of Regulation 15 in the following ways.

614 It assessed a range of possible lower-emissions alternatives, and identified two that were practically feasible and financially viable, which are to be implemented as part of the Project. The use of landfill gas (LFG) instead of LPG was considered but not included as the availability of LFG and its practicality (if available) could not be confirmed.

615 One of the alternatives considered was to preheat the scrap metal using waste flue gas in the EAF, but this does not directly affect the use of the equaliser furnace and was included for reference only.

616 The second alternative, which the Emissions Plan identified as the BPO, is to design for and implement what is described as hot charging of the rolling mill, reducing the amount of re-heating required by the equaliser furnace. The plan says this will reduce the annual emissions by 19,000 tonnes of CO_2, that is from 22,900t (assuming no such optimisation) down to 3,900t of CO_2.

617 Based on this BPO the Emissions Plan sets a fossil fuel emissions reduction target at the design phase of 19,000t of CO_2 - e/year.

618 As to possible energy efficiency improvements, the Emissions Plan again referred to the preheating of scrap metal using the outgoing EAF flue gases, and the hot charging (direct rolling) for the equalising furnace. It also considered the possible use of LFG in the equalising furnace should it become available and prove financially viable, as to which further investigation will be required. As noted above, other possible alternatives were identified but considered not practical or feasible.

619 The Emissions Plan addressed the requirement for a transition pathway by recording the intention to design and implement the BPO at the commencement of the Project.

620 Because the Project is a high emissions site, the Emissions Plan must be independently reviewed by a suitably qualified person (**SQP**). Regulation 14(5) requires the SQP to have expertise in, and to be suitably qualified to provide an independent review and recommendations relating to, the discharge of greenhouse gas.

621 Appendix C to the Lumen emissions plan is a letter from Ben Thomson, a manager at Lumen, who certifies that he has undertaken the required SQP review. Mr Thomson says he was not part of the team who authored the report but that he internally reviewed it and provided feedback. Although Mr Thomson is not strictly speaking independent of Lumen, the Panel considers that he is sufficiently independent of the Applicant to qualify as a SQP in the circumstances of this Application.

622 Regulations 16 and 17 set out the matters to which the consent authority's discretion is restricted. They relevantly include:

a. assessment of any technically feasible and financially viable lower-emissions alternatives (these terms are explained in Regulation 16(2))

b. assessment of the BPO to prevent or minimise adverse climate change effects

c. assessment of any available energy efficiency improvements

d. actions or methods to prevent or minimise CO_2 emissions

e. any emissions reduction targets for the activity

f. the content of the emissions plan

g. monitoring and reporting requirements

h. the timeframe for the review of consent conditions

623 Regulation 18 sets a maximum consent duration of 20 years.

624 Regulation 19 requires the imposition of conditions requiring the consent holder to: adopt the BPO; comply with the emissions plan approved by the consent authority as complying with Regulation 15; monitor compliance with the emissions plan, including any emissions reductions targets; and report the monitoring to the consent authority.

Panel findings

625 The Panel is satisfied that the Applicant has met the requirements of the NES-GHG as to the requirements for a proposed emissions plan, as complying with Regulation 15.

As this aspect of the Application is a restricted discretionary activity consent, the Panel's consideration is restricted to those matters set out in Regulations 16 and 17, summarised above.

626 The Panel is satisfied that the Applicant has adequately assessed the potential lower-emissions alternatives and that the BPO is the only technically feasible and financially viable one. It is satisfied that through this process, the Applicant has assessed available energy efficiency improvements and actions or methods to prevent or minimise CO_2 emissions.

627 The Panel has considered the emissions reduction target of 19,000t of CO_2 per year projected to be achieved by the BPO and considers it reasonable in the context of the Project. It also considers the content of proposed Emissions Plan reasonable in that context and suitable for approval.

628 Under Policy 2 of the NPS-GHG the Panel is to consider the cumulative effects of discharges of greenhouse gases when considering this application. Taking into account the Project's likely reduction in global CO_2 emissions, the Panel considers the relatively modest level of CO_2 emissions from the LPG used to fuel the equalising furnace will not have a cumulative effect of any significance.

629 As required by Regulation 17 the Panel will set monitoring and reporting conditions and a timeframe for the review of conditions, being three-yearly from the commencement of the consent. A purpose of any such review is to consider requiring the Emissions Plan to be updated to reflect technological developments and best practice, as required by Policy three of the NPS-GHG.

630 Pursuant to Regulation 18 the Panel will limit the duration of this particular approval to 20 years from commencement.

National Environmental Standards

631 The national environmental standards considered by the Applicant in the AEE included the NES-CS, NES-GHG; and the NES-F. Though the AEE concluded that only the NES-CS and NES-GHG applied, as it has since been determined that wetlands are present at the Site, consent is also required under the NES-F.

632 The AEE states that the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 was not considered relevant as air discharges from the site are expected to be compliant, as outlined in the Air Quality Assessment undertaken by Air Quality Consulting NZ.

<u>National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health</u>

633 The NES-CS sets out nationally consistent planning controls for assessing potential human health effects related to contaminants in soil. The regulations apply to specific activities on land (soil disturbance, bulk soil sampling, subdivision, and land use change) where a Hazardous Activities and Industries List (HAIL) activity has occurred.

634 NES-CS regulations are intended to ensure that land affected by contaminants is appropriately identified, assessed, and managed to protect human health. In particular, during subdivision, land use change and soil disturbance activities. Any

activity involving contaminated or potentially contaminated land is subject to NES-CS regulations. The NES-CS is intended to ensure that land affected by contaminants is appropriately identified, assessed, and managed to protect human health, particularly during subdivision, land use change, and soil disturbance activities. Compliance with, or consent under, the NES-CS is required for any project involving contaminated or potentially contaminated land.

635 As noted in the previous section in Part F addressing contaminated soils, the Panel has considered the investigations and recommendations by Williamson Land and Water Advisory, which concluded that the Site was primarily used for pastoral farming and haymaking. It identified potential HAIL activities at the Site as:

a. Activity A1: Agrichemical storage and use

b. Activity A8: Livestock dip/spray operations

c. Activity E1: Buildings with asbestos-containing materials

d. I: Potential release of hazardous substances.

636 The main area of the Site is not considered to be a HAIL site. Although no organochlorine pesticides were detected, heavy metals (e.g. arsenic, lead, zinc) were found above background levels in some areas, but not exceeding NES-CS or ecological criteria.

637 Asbestos fibres exceeding NES-CS thresholds were detected in topsoil around the woolshed. Soil disturbance in this area would exceed permitted thresholds, triggering the need for restricted discretionary consent under the NES-CS.

638 Approximately 400m^3 of contaminated soil requires remediation due to concentrations exceeding NES-CS guidelines. Asbestos remediation is governed by the NES-CS and the Health and Safety at Work (Asbestos) Regulations 2016. The removal of any building materials with asbestos containing materials also needs to be managed by a licensed SOP.

639 The SMP outlines procedures for the safe handling of asbestos containing materials. Once site validation and testing are completed, there will be no residual risk to future users of the site.

Panel Findings

640 As set out above the Panel accepts that the potential adverse effects from contaminated soils found on site can be appropriately managed. Consent conditions require soil disturbance activities to be undertaken prior to any other earthworks occurring in the identified contaminated soils area of the Site.

641 The Panel has concluded that the development will not generate adverse contaminated land effects and is not at odds with the intent and purpose of the NES-CS.

National Environmental Standard for Freshwater

642 The AEE included an assessment of the overland flows and artificial drainage networks for the site by Pattle Delmore Partners Ltd as part of its Ecological Impact Assessment

(**EcIA**). The EcIA reported that the site does not relate to any natural wetland areas. For the ephemeral waterways, fish recovery and relocation will be required prior to any in-channel works if water is present at the time of construction. On that basis, the Applicant considered no further consents under the NES-F were anticipated to be necessary.

643 In its assessment of effects of the Proposal on wetlands, the Panel engaged legal advice to assist us on the issue of whether two sites identified by WRC on the Site met the criteria for classification of "wetland" under the Resource Management Act 1991 and 'natural inland wetland' under the NPS-FM. The reason for requesting this opinion was if the modifications of wetlands is to occur, the proposal will have obligations to mitigate or offset effects on the wetlands under the NPS-FM and the NES-F.

644 By Minute 6 the Panel sought further information from the Applicant on how it concluded that no wetland-adapted fauna was present, including any species surveys or habitat assessments. Rather than undertaking additional investigations as suggested, the Applicant proceeded on the basis that the areas in question do qualify as natural inland wetlands under the NPS-FM and NES-F.[58]

645 The Applicant identified two possible activity status pathways to enable the proposed earthworks. Its primary position was that the works fall within the cleanfill exemption under Regulation 45B of the NES-F and should be treated as a discretionary activity, as the excavation and relocation of virgin material are integral to the project.

646 Alternatively, if the exemption is rejected, the works would be a prohibited activity under reg 53. However, the FTAA provides a pathway for approval, enabling the Panel to assess the Proposal in substance as discretionary while recognising its prohibited status. The Applicant submitted that the Panel must consider the relevant Regional Plan provisions set out in Clause 3.22(1), Policy 3.A.2, including whether:

a. wetland loss is necessary

b. the project delivers significant benefits

c. alternatives exist; and

d. effects are managed through the effects management hierarchy.

647 The Applicant proposed consent conditions it considered consistent with clause 3.22(3) of the NPS-FM. It proposed to provide an area four times the size of the existing two small wetlands totalling 48m² and considered the offset will more than make up for the loss of these wetland areas. These two small wetlands are heavily grazed and have low ecological value. The potential effects were therefore assessed by the Applicant as being positive.[59]

648 An indicative suitable location was identified in the north of the Site adjacent to the Waipapa Stream. The Applicant proposed to finalise this through the consent conditions once further consultation has been undertaken, including with Ngā Muka. The area will be maintained and managed subject to a WMP. In addition to the

[58] Applicant's response to Minutes 6, 7, and 9 of the Panel dated 19 December 2025, at para 2.3.

[59] Shearer Consulting response dated 19 December 2025.

proposed consent conditions, the Applicant provided technical assessments in support of its wetland offsetting approach. WRC's wetland ecologist has confirmed the approach is satisfactory.[60]

649 Overall, authorisation to modify the wetlands is considered by the Applicant to be in alignment 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.

650 The Applicant requested the Panel exercise its discretion to grant consent for the modification of the wetlands, subject to conditions to ensure the implementation of the larger offset wetland.

Panel Findings

651 The Panel was not initially satisfied that the Proposal met the requirements of the NES-F and NPS-FM regarding the definition of "Natural Inland Wetlands" for the inland wetlands. This was in part due to the contrasting views of the WRC wetland ecologist. As a result, the Panel sought legal advice on the conflicting technical descriptions of the wetlands provided by both WRC and the Applicant's experts.

652 The Panel's concerns on the wetland definition were not just confined to ensuring compliance with the NES-F and NPS-FM, but also compliance with Te Ture Whaimana, Tai Tumu Tai Pai Tai Ao and alignment with the CIA report.

653 The Panel acknowledges the agreements reached between the Applicant and WRC and accepts the Applicant's assessment of the wetlands and its proposal for creating a new wetland at a 1:4 ratio to offset the wetland area lost. The size and the location adjacent to the Waipapa Stream are appropriate both to offset the wetland area and values lost.

654 The Panel rejects the cleanfill exemption under reg 45B of the NES-F. However, it accepts that the works can be treated as a discretionary activity as the FTAA provides a pathway for approval by expressly authorising the Panel to consider activities that would otherwise be prohibited under the RMA. The Panel agrees that the activities could be assessed in substance as discretionary, while taking into account their prohibited status.

655 The Panel finds in accordance with the relevant Regional Plan provisions in clause 3.22(1) Policy 3.A.2; that the wetland loss is necessary, the project delivers significant benefits, no alternatives exist, and the effects can be managed through the imposition consent conditions that are consistent with clause 3.22(3) of the NPS-FM.

656 The Panel exercises its discretion to grant approval for modification of the wetlands, subject to its proposed conditions that include the development and certification of a WMP in consultation with Ngā Muka to enable the creation and maintenance of a larger offset wetland.

[60] Appendix 3 to the Applicant's response to Minutes 6, 7, and 9 of the Panel.

657 The Panel accepts that the wetland offsetting approach's overall positive environmental effects would not be at odds with the NES-F.

PART I: REGIONAL AND DISTRICT PLANNING FRAMEWORK

658 An assessment of the objectives and policies of relevant statutory plans was included by the Applicant as Attachment 33 to the AEE as is required by clause 5(1)(h), Schedule 5 FTAA.

659 The Panel has reviewed and considered the Applicant's assessment and the comments provided by WRC and WDC. The key matters are outlined in the following sections, as well as the Panel's further consideration and assessment.

Waikato Regional Policy Statement

660 The AEE considers the following chapters of the Regional Policy Statement (**RPS**) to be relevant to the proposal:

a. IM – Integrated Management;

b. AIR – Air;

c. EIT – Energy, Infrastructure and Transport; and

d. LF – Land and Freshwater.

Panel Findings

661 In addition to those chapters, the presence of wetlands at the site has required the Panel's consideration of the NAT – Natural character chapter.

662 The preceding effects analysis sets out the Panel's findings with respect to the technical reports and details submitted with the Application. It is considered that, where an identified regional natural resource may be impacted by the Proposal and potentially give rise to an adverse effect on the environment, such effects can and will be appropriately avoided, remedied or mitigated. Management measures deemed necessary are to be secured by conditions as appropriate. Notably, though wetland removal will occur, the Applicant has offered appropriate offset and compensation measures. The regional benefits of the Project are also recognised.

663 The Panel finds that the Proposal will give effect to the RPS and will not be contrary to the provisions contained within the relevant chapters listed above.

Waikato Regional Plan

664 The various consenting matters at play mean that a number of chapters of the WRP are relevant to the proposal.

665 The Applicant has identified the following WRP sections as being relevant to the Proposal:

a. Water Module

i. 3.5 Discharges

b. Land and Soil Module

ii. 5.2 Discharges Onto or Into Land

c. Air Module

iii. 6.1 Regional and Local Air Management.

Panel Findings

666 The Panel agrees with the Applicant's assessment of Air Module objectives (6.1.1 – 6.1.2.3) and policies (6.1.3.1, 6.1.3.2). As addressed in Parts F and H above, the Air Quality NZ assessment concluded that emissions from the Site can be appropriately managed through various control measures to reduce particulate and gaseous emissions. Any remaining pollutants or combustion emissions will be discharged at respective heights of 55m and 56m. Each stack at the Site will be designed in such a way as to effectively disperse emissions. Any concentration of pollutants will be below health-based criteria when measured at locations where people could reasonably be exposed, including at nearby sensitive receptors.

667 Policy 6.1.3.5 expressly seeks to recognise the positive benefits activities that affect air quality may have on people and communities while ensuring that high-quality air resources are protected, air quality is enhanced and that adverse air quality effects are avoided, remedied or mitigated. When considering the local and regional benefits of the Project in conjunction with the design and control measures proposed to ensure discharges are effectively managed, the Panel considers the Project is consistent with regional and local air management objectives and policies.

668 The Proposal involves discharges to land and water where contaminant may be present. As recognised in Attachment 33 to the AEE, discharge objectives 3.5.2 and 5.2.2 seek to manage adverse effects of discharges of contaminants to water and of waste and hazardous substances onto or into land. In its assessment against WRP discharge provisions (under both the Water and Land and Soil modules), the Applicant considered all potential discharges and sources of contamination. The various discharges involved in the Project are addressed in detail in the Panel's assessment of environmental effects in Part F of this decision. The Applicant has proposed a series of management plans to manage discharges to land and water throughout construction and operation of the Project. Overall, the management plans and conditions as set by the Panel are consistent with WRP policies which require that adverse effects of discharges are minimised and the relationship of tangata whenua as Kaitiaki with water recognised and provided for.

669 As aforementioned, the presence and proposed removal of wetlands from the Site has meant the Panel also considered the WRP wetlands section 3.7 and section 3A which contains objectives and policies in accordance with the NPS-FM.

670 Wetlands section 3.7 refers to water resources objective 3.1.2 as being the overarching objective for the management of water bodies within the Waikato Region. A comprehensive assessment of both the NPS-FM and NES-F has been undertaken in Part H above and is not repeated here. The Panel is satisfied that the offsetting and compensation proposed by the Applicant achieves consistency with the NPS-FM. As WRP objectives and policies are in accordance with the NPS-FM (as per s 3.7 WRP),

consistency with regional objectives and policies pertaining to wetlands is also achieved.

Waikato District Plan – Operative in Part (October 2025)[61]

671 The AEE considers the following chapters of the WDP-OP to be relevant to the proposal:

a. AINF – All Infrastructure

b. EDIS – Electricity Distribution

c. TRPT - Transport

d. Hazards and Risks;

   i. HAZS – Hazardous Substances

   ii. NH – Natural Hazards

e. Historical and Cultural Values

   i. MV – Māori Values

f. General District-Wide Matters

   i. EW – Earthworks

   ii. LIGHT – Light

   iii. NOISE – Noise; and

g. GRUZ – General Rural Zone.

Panel Finding

672 Owing to the presence of wetlands at the Site, the following chapters have also been considered by the Panel:

a. Natural Environment Values

   i. NATC – Natural Character

   ii. ECO - Ecosystems and indigenous biodiversity

673 The Applicant framed the Proposal as being generally consistent with WDC planning framework, with any inconsistencies and resulting effects being appropriately managed through Project design, including effects mitigation, and via conditions. In addition to the assessment provided in Attachment 33 to the AEE, the Panel considers the wetland

[61] It is noted that the AEE was prepared based on the May 2025 version of the WDP-OP.

offsetting proposed will bring about a net positive impact on natural environmental values within the Waikato District.

674 It is acknowledged that the industrial nature of the Project is in conflict with the General Rural zoning. However, based on the AEE and the Panel's own assessment (refer paragraphs 286-309 on amenity and character and landscape), it is not considered to be an inappropriate use of the Site. A key consideration in this respect is the nature and extent of developments present in the wider environment. The Panel accepts the functionality of the Site in this particular location and considers that the rural amenity of the surrounding area will not be compromised to an unacceptable extent. Especially when considering the Site within the context of its surrounds and in conjunction with the Project's benefits to the Waikato Region and beyond.

Conclusion regarding consistency with regional and district planning framework

675 Although the Proposal will result in effects, the Panel finds that after taking into account the conditions, those effects are no more than minor. The Site location and management measures proposed by the Applicant and required by the conditions will appropriately address any adverse effects that may be generated.

676 The Panel finds that, after considering the evidence and the assessments provided, the steps to remedy, mitigate, offset and/or compensate any adverse effects, and subject to compliance with the conditions, the Proposal will be consistent with both the regional and district planning framework.

Planning documents recognised by a relevant iwi authority and lodged with the Council

677 An application for a resource consent must include an assessment of the activity against any relevant provisions of a planning document recognised by a relevant iwi authority and lodged with a local authority.[62]

678 The Panel considers the Waikato-Tainui Environmental Management Plan 'Tai Tumu Tai Pari Tai Ao' as the relevant planning document for the Project site.

679 Tai Tumu Tai Pari Tai Ao is a strategic document developed under the Whakatupuranga 2050 framework. It articulates Waikato-Tainui's vision for environmental restoration and sustainable management of natural resources within their rohe (tribal area), particularly in relation to the Waikato River and its catchment.

680 The overarching purpose of Tai Tumu Tai Pari Tai Ao is to provide a map or pathway that will return the Waikato-Tainui rohe to the modern-day equivalent of the environmental state that it was in when Kiingi Taawhiao composed his maimai aroha. This purpose reflects Waikato-Tainui's deep cultural, spiritual, and historical connection to the environment, particularly the Waikato River. It emphasises restoration, intergenerational responsibility, and the integration of tikanga Māori into environmental management.

[62] Schedule 5 clause 5(1)(h) and clause 5(2)(g).

681 A consent authority considering an application for a resource consent under the RMA must have regard to the Waikato-Tainui environmental plan, if it considers that s 104(1)(c) RMA applies to the plan.

682 Section 82 FAA requires that the Waikato-Tainui environmental plan be given equivalent weight through the Panel's Decision making as it would under the Waikato River Settlement Act 2010.

683 Tai Tumu Tai Pari Tai Ao strongly recommends engagement with mana whenua on resource management matters, including the requirement of CIAs for developments with potential effects on Waikato-Tainui values.

684 The Panel acknowledges the ongoing positive relationship the Applicant has with mana whenua to ensure their active involvement in the Project which is a key objective of Tai Tumu Tai Pari Tai Ao when dealing with natural resource management matters within the rohe of Waikato-Tainui.

685 The proposed conditions will require the Applicant to the develop and implement a Cultural Management Plan with Ngā Muka to ensure their meaningful involvement in the Project.

686 Overall, the Panel considers that the conditions it has set in relation to the protection of the kōiwi rock shelter, groundwater, Waipapa Stream and the restoration of wetland ecology has ensured the Project will be consistent with Tai Tumu Tai Pari Tai Ao.

Treaty settlements

687 As noted in Part D ss 7 and 8 FAA states:

> **7 Obligation relating to Treaty settlements and recognised customary rights**
>
> (1) All persons performing and exercising functions, powers, and duties under this Act must act in a manner that is consistent with—
>
> (a) the obligations arising under existing Treaty settlements; and
>
> (b) customary rights recognised under—
>
> (i) the Marine and Coastal Area (Takutai Moana) Act 2011:
>
> (ii) the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.
>
> (2) To avoid doubt, subsection (1) does not apply to a court or a person exercising a judicial power or performing a judicial function or duty.
>
> (3) In this section, **existing Treaty settlements** means Treaty settlements that exist at the time the relevant function, power, or duty is performed or exercised (rather than only those that exist at the commencement of this Act).
>
> **8 Te Ture Whaimana**
>
> (1) Te Ture Whaimana is intended by Parliament to be the primary direction-setting document for the Waikato and Waipā Rivers and activities within their catchments affecting the rivers (*see* the legislation referred to in subsection (3)).
>
> (2) Te Ture Whaimana—
>
> (a) prevails over any inconsistent provision in a national policy statement, New Zealand coastal policy statement, or national planning standard; and
>
> (b) in its entirety is deemed to be part of the Waikato regional policy statement; and any regional plan or district plan that affects the Waikato River or the Waipā River or activities within their catchments must give effect to Te Ture Whaimana.
>
> (3) In this section, **Te Ture Whaimana** means the vision and strategy set out in—

(a) Schedule 2 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010; and

(b) Schedule 1 of the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010; and

(c) Schedule 1 of the Nga Wai o Maniapoto (Waipa River) Act 2012.

688 The Panel understands[63] that the following Settlement Acts (and associated Treaty settlement deeds) are of relevance to the Application area:

a. Waikato Raupatu Claims Settlement Act 1995

b. Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

689 WRC and WDC each have JMAs in place with Waikato-Tainui with respect to the Waikato River and activities within its catchment affecting the river.

690 The Waikato River Settlement Act provided for the development of JMAs to ensure Waikato-Tainui had the opportunity to sit at the table with local authorities and participate in local government activities so far as they relate to the Waikato River.

691 Section 10.16 of the AEE outlines the scope of the JMAs as they relate to resource management matters:

a. monitoring and enforcement;

b. preparation, review, change, or variation of a RMA planning document;

c. duties, functions, or powers under Part 6 of the RMA in relation to applications for resource consents; and

d. processes relating to customary activities.

692 The Applicant confirmed that the project is subject to the agreed JMA process for the consideration of resource consent applications.

693 The Panel has been conscious of the JMAs in its assessment of the Project and considers that it's decision and proposed conditions recognise and provides for the special relationship Waikato-Tainui has with the Waikato River and therefore, is consistent with the intent of the JMAs.

694 The Panel has proposed conditions to enable the protection of the Waipapa stream, groundwater and wāhi tapu and included a provision for wetland offsetting to ensure the Project will be implemented in accordance with Te Ture Whaimana.

695 The Panel considers that it has complied with its obligations relating to Treaty settlements.

[63] Based on the AEE and the lack of any contrary views or evidence provided to the Panel.

PART J: PRINCIPAL ISSUES IN CONTENTION

696 Several issues were identified and considered by the Panel in its assessment of the Application and are addressed in this decision. After analysis of the Application and AEE documents, the comments received and the further information provided (including proposed conditions and mitigation measures), many of the issues were able to be resolved or found to be acceptable. In this section of the decision the Panel sets out what it regards as the principal issues remaining in contention and summarises its findings on those issues.

697 The Panel has acknowledged throughout its deliberations and in this decision the importance of Te Ture Whaimana and the significant role it plays to support the protection and restoration of the Waikato River. 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. These are matters which need to be addressed in this decision and in the conditions, but they are not and issues "in contention".

698 The Panel has set some conditions that are different to what had been initially offered by the Applicant. These changes are to ensure that the Project will be consistent with Te Ture Whaimana and will result in an improvement to the health and wellbeing of the Waikato River, and to ensure the involvement of Ngā Muka where appropriate.

699 The principal issues in contention are considered to be:

a. The extent of the Project's benefits, especially as to the claimed reduction in global CO_2 emissions and economic benefits

b. The design, monitoring and operation of the proposed monofills for disposal of the "floc", especially as to leachate management

c. Whether the large industrial operation is appropriately located within the rural zone and the surrounding uses, including amenity and landscape issues

d. The destruction of two small wetlands on the Site and the proposed off-set mitigation

e. The infrastructure to provide the electricity and water required for the Project's operation.

700 The Panel's findings on these principal issues in contention are, in summary:

701 As to the benefits of the Proposal, there will be a reduction in global CO_2 emissions, although not to the extent claimed by the Applicant. That reduction will have little or no direct benefit, either regionally or nationally, to New Zealand. The Project's requirement for 56MW of electricity is likely to result in an increase in CO_2 emissions within New Zealand during peak demand periods but otherwise will mainly be met from renewable sources.

702 The Panel is satisfied that the Project will have significant regional, and some national, economic benefits. There will be significant new employment opportunities created by the Project, and it will reduce New Zealand's reliance on imported construction steel.

Much of the $320 million or so currently spent each year on importing construction steel will instead be circulated within the New Zealand economy.

703 The proposed monofills are of concern to the Panel. The Panel was not satisfied that the current design is sufficiently robust to manage leachate to the standard required to minimise groundwater infiltration and to control the risk of contamination of the Waipapa Stream. Conditions have therefore been imposed to require conservative design and construction, which may be reviewed if the Applicant can satisfy WRC that the required standards can be met.

704 The Panel is satisfied that the Project is not incompatible with the current and likely future character of the location, given the already established Hampton Downs Motorsports Park, the Landfill and the SHCF, all within close proximity. The Site's topography and the placement within the Site of the Proposal will mean that amenity and landscape effects are no more than minor.

705 The two small wetlands were identified during the Panel's consideration of the Application, following which the Applicant proposed 4:1 off-set mitigation on the Site. The Panel is satisfied that this is an appropriate response, as it would not be possible to undertake the Project without destroying the wetlands, which were identified as being of low ecological value. The offset proposed is considered to be a positive outcome.

706 From information received during the Panel's consideration, it is satisfied that adequate infrastructure can be provided for the water and electricity required for the Project's operation. The provision of this infrastructure is achievable without additional adverse environmental effects. The future prospect of accessing groundwater to meet the water needs of the Project was identified. However, as this did not form part of the Application, it was not a matter requiring to be addressed in this decision.

707 The Panel has addressed these principal issues in detail in the applicable sections of this decision and is satisfied that there are no potential adverse effects, individually and collectively, that cannot be adequately and appropriately manged by the conditions imposed.

PART K: CONDITIONS

FTAA general requirements for conditions

708 Section 83 provides that the Panel must set any conditions that it considers should be imposed on the approvals. The statutory requirements as to what conditions are set is determined by what approvals are being sought.

709 Section 83 FTAA must be complied with and provides:

> **83 Conditions must be no more onerous than necessary**
>
> When exercising a discretion to set a condition under this Act, the panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.

710 How the Panel has complied with this section is discussed below in relation to the conditions that it has set.

711 If a Treaty settlement is relevant to an approval then s 82 applies. It provides:

> **82 Effect of Treaty settlements and other obligations on decision making**
>
> (1) This section applies if a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is relevant to an approval.
>
> (2) If the settlement or Act provides for the consideration of any document, the panel must give the document the same or equivalent effect through the panel's decision making as it would have under any relevant specified Act.
>
> (3) The panel must also consider whether granting the approval would comply with section 7.
>
> (4) In this section, **document**—
>
> (a) means any document, arrangement, or other matter; and
>
> (b) includes any statutory planning document amended as a result of the settlement or Act referred to in subsection (1).

712 Section 83 FTAA states that the Panel must not set a condition which is more onerous than necessary to address the reason for which it has set in accordance with the provision of that Act which confers the discretion.

713 Section 84 FTAA states that for the purposes of s 7, the Panel may set conditions to recognise or protect a relevant Treaty settlement and any obligations arising under specified Acts that are not relevant to this Application.

714 Clause 18 of Schedule 5 FTAA applies to the setting of conditions on a resource consent:

> **18 Conditions on resource consent**
>
> When setting conditions on a consent, the provisions of Parts 6, 9, and 10 of the Resource Management Act 1991 that are relevant to setting conditions on a resource consent apply to the panel, subject to all necessary modifications, including the following:
>
> b) a reference to a consent authority must be read as a reference to a panel; and
>
> c) a reference to services or works must be read as a reference to any activities that are the subject of the consent application.

715 Section 108 RMA provides that, subject to s 108AA, a resource consent may be granted on any condition that the consent authority considers appropriate. Section 108AA relevantly states that a condition must not be included unless:

a. the applicant agrees to the condition; or

b. the condition is directly connected to an adverse effect of the activity on the environment, or to an applicable district or regional rule, or national environmental standard; or

c. the condition relates to administrative matters that are essential for the efficient implementation of the consent.

716 Under case law which predated s 108AA, the common law position was that a resource consent condition must:[64]

a. be for a resource management purpose, not an ulterior one;

b. fairly and reasonably relate to the development authorised by the resource consent or designation65; and

c. not be so unreasonable that a reasonable planning authority, duly appreciating its statutory duties could not have approved it.

717 The underlying purpose of the conditions of a resource consent is to manage environmental effects by setting outcomes, requirements or limits to the activity, and how they are to be achieved.[66] Conditions must also be certain and enforceable.[67]

718 A condition must not delegate the making of any consenting or other arbitrary decision to any person, but may authorise a person to certify that a condition of consent has been met or complied with or otherwise settle a detail of that condition.[68] Such authorisation is subject to the following:

a. The basis for any exercise of a power of certification must be clearly set out with the parameters for certification expressly stated in the relevant conditions.

b. This power of certification does not authorise the making of any waiver or sufferance or departure from a policy statement or plan except as expressly authorised under the Act (s 84 RMA).

c. This power of certification does not authorise any change or cancellation of a condition except as expressly authorised under the Act (s 127 RMA).

Project conditions

719 Approvals are required in respect of which the WRC and the WDC are the consent authorities under the RMA. The Applicant confirmed in the AEE that it had engaged on a regular basis with both Councils. Responses from each Council to the final drafts of the Application material provided to them prior to FTAA lodgement was included with the AEE (Attachment 30 and 31). Proposed draft conditions were provided as part of the AEE (Attachment 7) as one set, including conditions common to both WRC and WDC, and their respective consent conditions and authorisations. The layout of conditions was subsequently split into two separate sets, at the request of WRC.

720 These two sets of conditions have been amended in the course of the Panel's assessment and consideration of the Application. The Applicant made various changes in response to comments received; through the expert witness conferencing process;

---

64 *Newbury District Council v Secretary of State for the Environment* [1980] 1 All ER 731 (HL), at 739.

65 This limb has been modified by s 108AA RMA which now requires a causal link between the condition and the adverse effects of the activity.

66 *Summerset Village (Lower Hutt) Ltd v Hutt City Council* [2020] NZEnvC 31 at [156].

67 *Bitumix Ltd v Mt Wellington Borough Council* [1979] 2 NZLR 57.

68 *Turner v Allison* (1970) 4 NZTPA 104.

and in addressing requests for information and clarification in Minutes issued by the Panel.

721 The Panel has used the final draft set provided by the Applicant to make further amendments which take into account outstanding matters, as described below. Some minor changes have also been made for clarity and consistency. These sets of conditions (WRC and WDC) formed the draft conditions circulated on 26 February 2026 for comments.

Conditions amended to address responses received during consideration of Application

722 Several matters raised in the comments received on the Application were addressed by the Applicant with amended and new conditions offered. This was summarised in the Appendix to the Applicant's legal memorandum dated 25th November 2025. The changes included, in response to the comments received from Corrections, the introduction of increased dust suppression measures from the monofill operations, additional noise controls within the Noise Management Plan; and a minor change to the hours of operation of the shredder within the steel plant.

723 Changes to conditions in response to comments received from Enviro NZ included: a requirement for a detailed Fire Management Plan; access advice (Hampton Downs Road) as part of the Construction Management Plan; and a personnel competency condition for the monofill operations.

724 Conditions requiring transmission line clearance and access were included in the WDC set of conditions (Transport) in order to meet concerns raised by WEL. Additional transport related conditions (entranceway and signage requirements) were provided in response to comments received from WDC. The Applicant also accepted and included conditions related to Bond requirements associated with the future closure of the monofills.

Conditions amended in response to expert witness conferencing

725 Further changes were made to both sets of conditions in response to the expert conferencing held on 22 January 2026. The key focus of this conferencing was the design, operation and monitoring of the monofills, along with more general site geotechnical and earthworks considerations. Amendments to the Monofills' Authorisation and the E&SCP conditions were offered by the Applicant. Some of the offered conditions in relation to the design and operation of the monofills have been further refined by the Panel, based on advice received from the appointed technical advisors.

726 The status of an area within the Site as wetland was reviewed and assessed during the Panel's consideration of the Application. The Application initially considered there were no wetland areas. The Panel sought clarification and it was established (and agreed by the Applicant) that two small areas of wetland existed and would be destroyed by the development. Conditions for wetland offset were offered by the Applicant. These are detailed in the WRC set of conditions, with a wetland offset and management plan.

727 Some further changes have been made to conditions to reflect the importance of Te Ture Whaimana and the role of Ngā Muka in the implementation of conditions relevant to the potential for contaminants in the Waipapa Stream and to matters of cultural sensitivity.

Comments on conditions and Panel findings

728 The Panel's approach in this decision has been to address conditions in the context of the potential adverse effect to which they relate. This has resulted in some changes being made by the Panel to conditions, in addition to those amendments offered by the Applicant. As noted above, additional conditions have been considered necessary for the design, construction, operation and monitoring of the two proposed monofills. The Panel accepted the advice both of its expert advisers and of WRC in this matter.

729 Other changes have included the removal of the cleanfill activity from the WRC conditions, on the basis that the importation of material to the Site is not part of the Proposal. These conditions were therefore considered redundant.

730 Following feedback from WRC, the Panel has reinstated the 'virtual water take measurement' conditions that were originally removed by the Panel. While the Panel does not agree with WRCs interpretation of the Water Take Regulations, we acknowledge that retaining these conditions is consistent with WRC procedures and will assist with water allocation reporting.

731 As outlined in paragraphs 81 and 489 of this decision, WRC provided conditions to address the surface water take of diverted stormwater as part of its response to the Panel's draft conditions. The Panel agrees with the conditions put forward by WRC and we have incorporated these into Appendix A as the 'Authorisation for surface water taking'.

732 The Panel considers it prudent to add an additional condition to the Accidental Discovery protocols in both the WRC and the WDC conditions. This is in response to the identification of the rock shelter on the Site as explained in more detail earlier in this decision. The Panel has found that protection of the area identified as the rock shelter is appropriate in order to recognise the cultural importance of this location, as a likely urupa site.

733 For the purposes of consistency, the Panel has also amended the Landscape conditions in the WDC suite. A Landscape Plan is now required, which will ensure that the 6m high bund, offered by the Applicant as noise mitigation, is recognised as part of the Landscape Plan and provided accordingly. The Panel has also accepted the advice of its landscape expert adviser, identifying measures and expectations to strengthen the care and maintenance of plantings, as part of the Landscape Plan.

Panel's Draft Conditions

734 As required by s 70 FTAA, the EPA provided our draft conditions to the following persons on 26 February 2026:

a. the parties listed in section 70(1); and

b. the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development, as required by section 72(1).

735 Those draft conditions were accompanied by the Panel's draft decision document.

736 As outlined in paragraph 89 of this decision, the Panel received comment on the draft conditions from the Applicant and the seven other parties listed in paragraph 88.

737 The Panel also received comment in support of its draft decision and conditions from Hon Tama Potaka, Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development. This support is on the basis of the Applicant's continued engagement with mana whenua.

738 In response to the Minister's comments and also to confirm the role of Ngā Muka as mana whenua, minor changes have been made to the conditions relating to Fish Management Protocols and the Wetland Management Plan.

739 The Panel has considered the proposed amendments and reasons outlined by the commentators and considers the main outstanding issues relate to:

a. Monofill liner design;

b. Updating the PFOS trigger limits;

c. Monofill reasonable mixing;

d. Particulate matter at PM 2.5 monitoring;

e. AQMP to include acceptance criteria for scrap metal (Enviro NZ); and

f. Accessway No. 3, as a formed 3m wide corridor along the eastern boundary of the site, was sought to be removed as a condition (WDC Transport).

740 The Panel has also considered the other comments and responses received on the draft conditions and generally accepts the suggested wording and reasoning of one or other party as relevant, subject to some drafting refinements. In particular, the Panel has made the following decisions with respect to the different views presented:

a. The Applicant's comments on Attachment 1 to Conditions (plans and documents) have been taken into consideration by deleting some of the documents as not being descriptive of the activities and the basis of the approvals granted.

b. We have expanded the Fire Management Plan to cover scrap metal and shredder facilities, as sought by Enviro NZ and accepted by the Applicant.

c. Harness Downs Ltd requested further restriction on hours of operation. However, the Panel does not consider this necessary.

d. Monofill liner design:

WRC raised concern that the Panel's draft Monofill Condition 6 placed the Council in a decision-making position. WRC responded with alternative condition wording. The Applicant did not support the changes and pointed out that this condition was previously agreed in earlier reviews, and was included as part of the JWS.

The Panel has decided to keep the wording as per the draft version, with only a minor edit to reference the Waipapa Stream specifically. We agree with the Applicant that the NEMP 3.0 provides the framework for determining whether a single or double liner is adopted, and this can be applied by the WRC in a certifying, rather than decision-making, capacity. The Panel notes that some of

the WRC requested changes are addressed through the proposed Stormwater Management Plan.

e. Updating of the PFOS trigger limits:

The Panel acknowledges the efforts of all parties to update the conditions to reflect the recently released Australian & New Zealand Guidelines for Fresh & Marine Water Quality Technical Brief 'Toxicant default guideline values for aquatic ecosystem protection Perfluorooctane sulfonate (**PFOS**) in freshwater' published 4/03/26.

The Panel has considered the proposed amendments from WRC and the Applicant, particularly the information in Appendix B to the Applicant's legal memorandum dated 12 March 2026 (the PDP Memo). The Panel agrees with the PDP memo that the new biota screening threshold is not a replacement for the 99% and 95% default guidelines values (**DGV**), and as such we have updated the trigger values for PFOS to the applicable revised DGV.

The Panel does however consider the biota screening level to have relevance to this approval, given the importance the Panel has given to maintaining the health of the Waipapa Stream. We consider that the Stormwater Management Plan is the correct place for the reference to the biota screening level, and we have included a new condition to reflect this.

Amendments were also made to the Monofill trigger levels to reflect the previously agreed adoption of the 99th percentile DGV for subsoil drainage and groundwater, and the 99th percentile for stormwater discharges.

f. Monofill reasonable mixing:

The Applicant responded with several amendment suggestions to conditions to reflect that the trigger levels are based on receiving water quality after reasonable mixing. The Panel has adopted these amendments, noting that 'after reasonable mixing' was already covered by Stormwater Conditions 6 and 7.

However, the Panel notes that no information regarding what a reasonable mixing zone is has been presented. As such, we have amended Condition 16 of the Stormwater Management Plan to require this information to be included in the SMP. We understand Policy 8 of the WRP provides clear guidance in this regard.

g. Air quality discharge conditions (13) and (14):

The Panel has considered the feedback from David and Wendy Saxton regarding the mass discharge of PM_{10}. The Panel accepts the findings of both the Applicant's air quality assessment, and the review carried out by WRC's Air Quality Officer, which both concluded that the proposed discharge limits comply with all relevant air quality standards and guidelines, and are appropriate in the circumstances.

h. AQMP to include acceptance criteria for scrap metal:

Enviro NZ sought the inclusion of acceptance criteria and monitoring protocols for scrap metal brought to site. This arose from a concern that some materials may give rise to fire and emission hazards. The Panel accepted the response provide by the Applicant which supported the inclusion of acceptance criteria but considered monitoring of materials that were likely to cause a fire to be impractical.

741 The finalisation of conditions is by its nature, an iterative process. To provide ease of reference and avoid confusion, sequential numbering of WRC conditions may be adopted after draft conditions are finalised. Similarly, the Panel has included Attachments with plans and a List of Acronyms to the two sets of conditions for ease of reference and to provide clarity and certainty in the administration of the conditions.

742 Consent lapse dates and durations are addressed in Part P below. To the extent the final set contains minor errors, the Panel notes it has powers under s 89 FTAA to make minor corrections.

PART L: PART 2 RMA 1991

743 As noted in Part A of this decision, clause 17 of Schedule 5, FTAA sets out how the Application is to be assessed under various provisions of the RMA. Clause 5 (1)(g) of Schedule 5 FTAA requires an assessment of the Proposal against ss 5, 6 and 7 RMA. The Applicant has provided a Part 2 RMA assessment in sections 8.10-8.32 of the AEE.

744 The purpose of the RMA, to promote the sustainable management of natural and physical resources, is set out in s 5. The Panel is satisfied that the Project will generally promote the sustainable management of natural and physical resources. As per its assessment of effects in Part F of this decision, the Panel considers that most potential adverse effects are sufficiently addressed through the conditions imposed to either avoid, remedy, mitigate or offset the identified effects. It is important to note, however, that the purpose of the FTAA must be given the greatest weight.

745 It is acknowledged that elements of the Proposal are not fully consistent with parts of the Planning Framework. Notably, the industrial nature of the activity being contrary to the Site's rural zoning. However, as assessed in Part I above, despite this inconsistency, the Panel finds it will not eventuate in adverse effects owing to the Project's spatial requirements and the built environment and activities surrounding the site. The loss of wetlands of low ecological value will be sufficiently offset by the wetland replacement. Overall, the Proposal is considered to be consistent with s 5 of the RMA.

746 Sections 6(e), 7(a) and 7(aa) RMA require the recognition of the relationship Māori have with their ancestral lands, water, sites, wahi tapu and other taonga, as well as having regard to kaitiakitanga. In this way, these sections are particularly relevant to the Application and have been considered and discussed throughout our decision. As a result of the conclusions reached on the potential effects of the Project, and in the context of the relevant planning provisions and appropriate consent conditions, the Panel finds that Proposal is consistent with Part 2 of the RMA.

PART M: FTAA, SECTION 3

747 The Panel's decision is subject to the purpose of the FTAA, contained in s 3, namely to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

748 The FTAA envisages an overall judgement or balancing approach to decision making whereby a Panel must balance the adverse impacts against the regional or national benefits of the project. As outlined in Part G of this decision, the Panel accepts that the Project will deliver development with significant regional benefits as well as some national benefits, and adverse effects (as assessed in Part F above) can be effectively controlled through conditions.

PART N: OVERALL ASSESSMENT

749 As noted in Part C the Panel may decline an approval if, in complying with s 81(2) FTAA, the Panel forms the view that the adverse impacts of the Proposal are out of proportion to its regional or national benefits. This is discussed above at in Part G.

750 The Panel has balanced the adverse impacts against the regional and national benefits of the Project. It has found that subject to compliance with the conditions, the adverse impacts of the Proposal will be no more than minor. It has found that there will be significant regional as well as some national benefits, particularly from the employment and related economic activity generated by the up to $300 million annually that will remain in New Zealand rather than being spent on structural steel from overseas. The adverse impacts therefore do not outweigh the regional and national benefits, so approval should be granted, subject to the conditions.

PART O: FINAL DECISION

751 The Panel has considered the Application and supporting information as well as the comments received on and on the draft conditions, as well as the further information provided as a result of comments received from other participants and the subsequent refinement of the Application. We thank all those who commented for their contributions.

752 Overall, the Panel is satisfied that the matters set out in section 81 FTAA have been addressed appropriately and that the purposes of the FTAA are achieved by this decision to grant the approvals sought. In reaching that view, the Panel has had regard to the actual and potential effects on the environment of allowing the activity as set out above. The Panel has also had regard to the relevant planning documents.

753 The Panel determines to grant the approvals sought subject to the conditions attached as Appendix A to this decision.

754 As required by s 99 FTAA the persons listed in that section are entitled to appeal and must commence any such appeals within the 20-working day period from the day this Decision is published under s 88(3) FTAA.

PART P: LAPSE DATES AND DURATIONS

755 Clause 26 of Schedule 5 FTAA states that unless this decision specifies the date (or dates) on which the approvals lapse, they will lapse immediately after they commence.

756 Although this clause has been amended, the amendment does not take effect until after the date of this decision. Accordingly, it is necessary for the Panel to fix a lapse date and it fixes a lapse date for all the approvals granted of five (5) years from the date of this decision.

757 Section 123 RMA provides that a land use consent is unlimited as to duration, subject to exceptions and unless otherwise specified. For most other consents the duration may not exceed 35 years from the date of granting, and if no period is specified will be only 5 years.

758 The Application and AEE indicate a design life for the Project of 20 years. For some of the approvals, particularly involving discharges, a shorter duration might be considered appropriate but the Panel has decided that 20-year duration should be fixed for those approvals which would otherwise last only 5 years. It therefore specifies a 20 year period from the granting of the approvals as the duration for those that would otherwise be of only 5 years duration under s 123 RMA. There will be opportunities for the consent conditions to be reviewed and updated over that time.

759 The duration of any restricted discretionary activity consent granted under the NES-GHG must be no more than 20 years from the grant of approval. The Panel therefore specifies a 20 year term for that approval.

Matthew Casey KC
(Chair)

Tim Manukau (Member)

Cherie Love
(Member)

Tim Baker
(Member)

Alethea Hikuroa (Member)

APPENDIX A: CONDITIONS OF CONSENT

APPENDIX B: RESOURCE CONSENTS REQUIRED