

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of an application by Winstone Pulp
International Limited (WPI) to the Manawatū-
Whanganui Regional Council (**APP-2006012018.03**)
for land disturbance associated with the construction
of a wetland and for the discharge of up to 750 m³/day
of condensate wastewater associated with proposed
wood processing operations.

SUPPLEMENTARY REPORT TO THE PANEL

COMMISSIONERS TREVOR ROBINSON (CHAIR), GREG RYDER, MIRIA POMARE

**SECTION 42A REPORT OF FIONA MORTON – REPORTING PLANNER HORIZONS REGIONAL
COUNCIL**

15 October 2026

1. My name is Fiona Janet Morton.
2. I am contracted to the Manawātū-Whanganui Regional Council (HRC) in the position of Senior Consents Planner within the Regulatory Team. All relevant information relating to my qualification and experience is contained in my s42A report to the Panel dated 22 September 2026.
3. This supplementary report provides comment on the Applicant's section 41B evidence dated 29 September 2026, Ms Singh's supplementary evidence dated 9 October 2026, and the resulting changes to the proposal and proposed conditions.

Condition 13

4. The Applicant's latest proposed Condition 13 no longer provides for the ESCP or RAP to be deemed certified if the Regional Council does not respond within the specified timeframe. However, the Applicant proposes that the Regional Council must either certify the ESCP and RAP or identify deficiencies within 20 days of receiving those documents. While I acknowledge the Applicant's desire for certainty regarding construction timeframes, I question whether it is appropriate for a resource consent condition to impose a mandatory response timeframe on the Regional Council. I consider the obligation should remain with the Consent Holder to obtain written certification before commencing construction activities.
5. This approach is consistent with the Environment Court's findings in *New Zealand Transport Agency – Waka Kotahi* [2024] NZEnvC 133 (ENV-2023-WLG-000005), particularly paragraphs [126]–[130], which emphasise the importance of independent certification before works commence and recognise that administrative arrangements can be used to address potential delays. In my view, the proposed 20-day response requirement is unnecessary and should be removed from Condition 13.
6. In regards to the RAP, Mr Blackwell considers that the RAP needs to meet the requirements of the MfE Contaminated Land Management Guidelines No.1 (revised 2021) *Reporting on Contaminated Sites in New Zealand*.
<https://environment.govt.nz/assets/publications/Files/contaminated-land-management-guidelines-no-1.pdf>

Section 2.7 and Appendix A7 details the requirements for a RAP, should be included in condition 10.

Consent duration

7. The relevant policy from the One Plan in relation to consent durations is IP-P5. A copy of this has been provided to the Panel.
8. The proposed WPI discharge to the Whangaehu River at Karioi is within the Upper Whangaehu Water Management area (WMZ) under the Horizons One Plan. For the purposes of IP-P5 (Consent Durations), the relevant common catchment expiry dates are:
 - 1 July 2029
 - 1 July 2039
 - 1 July 2049
9. Read together, IP-P5 and IP-P6 establish a coordinated catchment-based framework for consent expiry and review. IP-P5 provides for common expiry or review dates at 10-year intervals, while IP-P6 specifically contemplates the review of consent conditions at the same time as other consents within the same Water Management Sub-area, including at a common catchment expiry or review date. In my view, this provides an opportunity for activities affecting the same water resource to be reconsidered within a common timeframe, including having regard to monitoring information, cumulative effects and any changes in catchment circumstances. That purpose remains relevant to this application because the proposed discharge is directly to the Upper Whangaehu River
10. The common catchment expiry framework is intended to provide for more coordinated decision-making at a catchment level. Aligning expiry and review dates enables activities affecting the same water resource to be reconsidered within a common timeframe, promotes greater consistency between consent requirements, and provides an opportunity to consider cumulative effects and changing catchment circumstances across a group of activities rather than through isolated consent processes. That purpose remains relevant to this application because the proposed discharge is directly to the Upper Whangaehu River.
11. As this application is being determined within three years of the 2029 date, the usual starting point under IP-P5(2) would be the second common expiry date of 1 July 2039.

However, the policy does not require expiry on that date. It allows the duration to be extended in 10-year increments after consideration of the criteria in IP-P5(2).

12. I have considered each of those criteria. In relation to IP-P5(2)(a) I have not identified a recognised code of practice, environmental standard or good practice guideline applying specifically to this proposed condensate discharge that would provide particular support for a longer duration. The erosion and sediment control guidance relevant to construction of the Stone Wetland does not perform that role in relation to the ongoing discharge. I therefore place limited weight on that criterion.
13. IP-P5(2)(b) requires consideration of the most appropriate balance between environmental protection and investment by the Applicant. I acknowledge the further evidence provided by Mr Duder regarding project financing, the proposed 20-year operational model and the time required to secure investment and construct the plant. That evidence provides a clearer explanation for the Applicant's request and has caused me to reconsider the expiry date recommended in my section 42A report of 1 July 2039. If the discharge permit is granted, I now consider that an expiry date of 1 July 2039 would provide too short an operational period for the proposed activity. Even if the project proceeds relatively promptly, the time required to secure investment and complete the estimated three to four-year construction programme would result in a substantially shorter operating period than the 20 years relied upon by the Applicant. I therefore consider that a fixed expiry date of 1 July 2049, being the next applicable common catchment expiry date, is appropriate.
14. IP-P5(2)(c) concerns the provision of section 128 review opportunities so that matters of contention can be periodically reconsidered in light of monitoring and compliance information.
15. The final criteria in IP-P5(2) concerns whether the activity is infrastructure, a water, sewage or stormwater treatment plant or facility, or a publicly accessible solid waste facility. I do not consider that criterion is directly engaged by this proposal. The discharge arises from a private industrial wood-processing activity and, as discussed elsewhere in my report, the Stone Wetland is not relied upon as a treatment wetland for the purposes of the effects assessment. I therefore place little weight on this criteria.

16. I have also considered the matters in IP-P5(3) relating to a shorter consent duration. I have not identified a separate need for the activity to cease at a particular time other than through the common catchment expiry framework, and this proposal does not involve the long-term allocation of a resource whose availability may change unpredictably. Nor is the compliance-history criterion directly applicable to the proposed condensate discharge, which arises from a new process that has not yet operated. While there remains uncertainty regarding the actual condensate characteristics until the plant is commissioned, the technical evidence does not identify effects that are both unpredictable and potentially serious. Rather, the uncertainty relates principally to confirming that the actual discharge falls within the range assessed. I consider that matter is more appropriately addressed through the proposed commissioning, monitoring and response conditions, together with the five-year lapse period.
17. Taking the IP-P5(2) and (3) criteria together, I consider that an expiry date of 1 July 2049 is appropriate. Importantly, this does not depart from the common catchment framework. Rather, it uses the next 10-year increment expressly contemplated by IP-P5, while retaining a common catchment expiry date at which the discharge can be reconsidered alongside other activities affecting the catchment.
18. If the discharge permit is granted, I nevertheless consider that a five-year lapse period remains appropriate. This provides a reasonable period for the project to progress while limiting the period over which the consent could remain unimplemented and reliant on the technical assessments presently before the Panel. I also note that a five-year lapse period would not necessarily prevent the project proceeding if delays arise. Section 125(1)(b) of the RMA enables the Consent Holder, before the consent lapses, to apply to the Consent Authority for an extension of the lapse period. Any extension is discretionary and would be considered at that time against the statutory criteria and the circumstances then applying. In my view, this provides an appropriate mechanism to address a situation where substantial progress has been made towards giving effect to the consent but additional time is required, without providing a 10-year lapse period at the outset.
19. The following scenarios below illustrate the practical operating periods available under a fixed expiry date of 1 July 2049 with either a five-year or 10-year lapse period.

20. When questioned by Commissioner Robinson regarding the lapsing period and whether is five-year term was achievable, I first noted that it was possible to seek an extension and then advised that I agreed with a lapse term of 7.5 years. I remained of the view that the consent expiry should be **1 July 2049**.

Scenarios considered: 5-year lapse and fixed expiry of 1 July 2049

Scenario	Investment / construction timing	First condensate discharge	Approximate operational period
1. Early commencement	Construction starts in 2027 and takes 3 years	2030	19 years
2. Early commencement	Construction starts in 2027 and takes 4 years	2031	18 years
3. Short investment delay	1 year securing investment, then 3 years construction	2031	18 years
4. Longer construction / investment period	Timing results in first discharge occurring close to the five-year lapse deadline	2031	18 years
5. Five-year lapse exceeded	First discharge does not occur before the five years lapse date	After lapse date	Consent would lapse unless an extension of the lapse period is obtained under section 125(1)(b) before the lapse date.

Scenarios considered: 10-year lapse and fixed expiry of 1 July 2049

Scenario	Investment / construction timing	First condensate discharge	Approximate operational period
1. Early commencement	Construction starts in 2027 and takes 3 years	2030	19 years
2. Early commencement	Construction starts in 2027 and takes 4 years	2031	18 years
3. Moderate delay	2 years securing investment, then 4 years construction	2033	16 years
4. Longer delay	5 years securing investment, then 4 years construction	2036	13 years
5. Full lapse period utilised	Consent first given effect to close to the 10-year lapse deadline	Close to the 10-year lapse date	Approximately 12–13 years, depending on the date the consent commences.