

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.

REPORT TO THE PANEL

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

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

22 September 2026

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EXECUTIVE SUMMARY

1. Winstone Pulp International Limited (the Applicant) has applied to Horizons Regional Council (Regional Council) for two resource consents associated with the proposed future operation of the Karioi site being land disturbance associated with construction of a wetland, and the discharge of up to 750 m³/day of condensate wastewater to the Whangaehu River.
2. The potential physical effects of the proposed activities have been considered through technical assessments undertaken on behalf of the Regional Council (HRC). Mr Pearce, Director of Environmental Land Management Limited and subcontracted to Bryant Environmental Solutions Limited, has assessed erosion and sediment control; Mr Blackwell of SLR Consulting New Zealand Limited has assessed contaminated land; Dr Ausseil of Traverse Environmental Ltd has assessed water quality and aquatic ecology; and Ms Simpson of Tonkin & Taylor Limited has considered the relationship between the torrefaction process and condensate quality.
3. Mr Blackwell provided a technical memo and considered that the contaminated and potentially contaminated soils can be managed within the site beneath the proposed engineered liner, provided the works are undertaken in accordance with the Remedial Action Plan and appropriate construction, monitoring and aftercare requirements. Mr Blackwell has not identified an additional contaminant discharge pathway. Based on his assessment, I have not identified a requirement for a separate Regional Council discharge permit arising from the contaminated land.
4. Dr Ausseil has assessed the predicted condensate discharge and considers that, if the discharge is consistent with the quantity and quality assessed, effects on water quality and aquatic ecology would be no more than minor. The plant is not yet operational, and the actual condensate quality is therefore not known. He recommends monitoring following commissioning to verify the basis of that assessment.
5. Ms Simpson's technical memo considers the relationship between the torrefaction process and condensate quality and identifies the operating parameters relied upon in the assessment of the condensate discharge.
6. The proposed activities are within the Te Waiū-o-te-Ika catchment and include a discharge to the Whangaehu River. Section 109(3) of the Ngāti Rangi Claims Settlement Act 2019 therefore applies and requires the decision maker to have particular regard to Te Mana Tupua and Ngā Toka Tupua. Ngā Waihua o Paerangi Trust, on behalf of Ngāti Rangi (Submission 15), has raised

matters relevant to that assessment, including the continued discharge to the awa, cumulative and intergenerational effects and the consent duration sought. These matters are considered further in this report.

7. The application has been assessed against the relevant provisions of the Resource Management Act 1991, the National Policy Statement for Freshwater Management, the One Plan, the Ngāti Rangi Taiao Management Plan 2014 and the statutory framework for Te Waiū-o-te-Ika under the Ngāti Rangi Claims Settlement Act 2019. I have also considered the matters raised in the submissions received on the application.
8. I have included proposed conditions for the land disturbance consent and a framework for potential conditions for the discharge permit. The discharge condition framework reflects the present uncertainty regarding the actual characteristics of the condensate and provides an opportunity for further information and refinement through the Applicant's section 41B evidence and the hearing process. I have not reached a recommendation at this stage as to whether the discharge permit should be granted or declined. That recommendation will be made following consideration of the section 41B evidence, the evidence presented at the hearing, including the evidence of Ngāti Rangi, the final condition framework and any other matters arising through the hearing process.

A. INTRODUCTION

Qualification and Experience

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.
3. I hold an honours degree in Resource Management and Environmental Planning. Following my graduation in 2000 and up until May 2006 I was firstly a Policy Analyst, Consents Planner and then a Senior Consents Planner at the Regional Council. During 2007 to 2012 I periodically assisted the Regional Council in a planning peer review role. From 2012 onwards I have assisted the Regional Council in the role of Consultant Senior Consents Planner.
4. My role at the Regional Council involves the processing of resource consent applications. This includes all aspects of the process including land use consents; water permits and discharge permits – both non-notified and notified applications. I have over 20 years resource management experience, predominantly in the natural resource field, particularly relating to resource consenting matters, resource consent hearings and including matters determined by the Environment Court.
5. I have visited the site, surrounding area and existing discharge point on the Whangaehu River.
6. I have read the Code of Conduct for Expert Witnesses that is contained in the Environment Court Practice Note 2023 and I agree to comply with it and have complied with it in preparation of this evidence. I drafted and authored this report. I have independently reviewed and verified the final content and take responsibility for the opinions and conclusions expressed.
7. Other than where I state that I am relying on the advice of another person, the matters covered in this report are within my area of expertise. I have not omitted to consider material facts known to me that might detract from the opinions I express.

B. OUTLINE OF EVIDENCE

8. This report, required by section 42A of the RMA, addresses the matters in sections 104, 105 and 107 of the RMA to the extent relevant to this application, together with other relevant statutory and planning provisions.

9. This report includes the following:
 - a. A description of the activity;
 - b. An outline of the consenting background;
 - c. An outline of the public notification process;
 - d. A summary of the matters raised in submissions;
 - e. A description of the location and existing environment;
 - f. An assessment against Te Waiū-o-te-Ika;
 - g. An assessment of the relevant section 104 matters including:
 - i. An assessment of the environmental effects;
 - ii. An assessment of the relevant National Environmental Standards, National Policy Statements, Regional Policy Statement and Regional Plans (namely the One Plan 2026); and
 - iii. An analysis of Part 2 of the Resource Management Act 1991 as it relates to the application.
10. This section 42A report provides an analysis of the relevant plans and policy documents, as well as an interpretation of those where required. It also includes discussion on the effects associated with the activity, and an assessment of the submissions received. It concludes with a commentary regarding a potential way forward.
11. In accordance with section 42A (1A) and (1B) of the RMA, I have minimised the repetition of information included in the application and where I have considered it appropriate, adopted that information.
12. In preparing this report, I have relied upon the following technical assessments prepared on behalf of the Regional Council:
 - a. Mr James Blackwell, SLR Consulting Ltd, in relation to contaminated land matters;
 - b. Ms Jenny Simpson, Tonkin & Taylor Ltd, in relation to the interface between the torrefaction process, air discharge and condensate quality;
 - c. Dr Olivier Ausseil, Traverse Environmental Ltd, in relation to water quality and ecology; and
 - d. Mr Kerry Pearce, Director of Environmental Land Management Limited and subcontracted to Bryant Environmental Solutions Limited, in relation to erosion and sediment control.

C. BACKGROUND

13. In September 2024, Winstone Pulp International Limited (WPI) confirmed the closure of both the pulp mill and the neighbouring Tangiwai sawmill, citing uncertainty over future electricity costs and relatively low market prices for pulp and timber. Prior to closure, WPI had investigated Wastewater Treatment Plant (WWTP) upgrade options intended to improve discharge quality and support a longer-term renewal. Those upgrades required significant capital and were not considered feasible following the shutdown.
14. WPI holds Discharge Permit APP-2006012018.01 (ATH-2010011593.01), which authorises the discharge of treated pulp mill wastewater, stormwater and a foam inhibitor to the Whangaehu River. The consent was granted on 10 June 2010 and had the expiry date of 1 July 2025. This consent authorises a maximum discharge volume of 5,200 m³/day of pulp mill wastewater, alongside the discharge of an antifoam inhibitor at a rate of 125 L/day.
15. Prior to lodging the consent application to renew the discharge, WPI sought confirmation from Horizons Regional Council (“HRC”) that if the application was lodged at least three months prior to the expiry of the existing consent, that the Regional Council would exercise its discretion in accordance with section 124(2) of the Resource Management Act 1991 (“RMA”) and allow WPI to continue to operate under the existing consent, until the consent application is decided. On 18 November 2024, HRC confirmed that it would exercise its discretion and allow WPI to exercise the existing consent while applying for the replacement consent. Subsequently the consent application was lodged on 31 March 2025, three months before the 1 July 2025 expiry date. This enabled WPI to continue exercising the existing discharge permit after 1 July 2025 under section 124(2), subject to ongoing compliance with the conditions of that permit, while the replacement application remained undetermined.
16. On 17 December 2025, section 123C was inserted into the Resource Management Act 1991 (RMA). As a result, the existing discharge permit was reinstated and its expiry date extended to 31 December 2027.
17. WPI previously sought a replacement consent for discharges associated with the former pulp mill operations at the Karioi site under APP-2006012018.02. During processing of that application, the proposed future use of the site changed. WPI subsequently lodged a new resource consent application, APP-2006012018.03, for the proposed future wood processing operations described below.

D. APPLICATION AND PROPOSAL

18. Winstone Pulp International Limited (WPI) lodged a consent application on 9 July 2026.
19. The consents sought in the 9 July 2026 application for the proposed future wood processing operations are described below:
 - (a) A discharge permit for the discharge of up to 750 m³/day of condensate wastewater associated with the proposed wood processing operations. The condensate will pass through a constructed wetland before being discharged to the Whangaehu River via the existing discharge infrastructure; and
 - (b) To undertake land disturbance associated with the construction of a wetland, involving approximately 17,146 m² of land and approximately 10,447 m³ of cut and 9,994 m³ of fill.
20. The Applicant seeks a consent term of 20 years for both the wastewater discharge and the land disturbance activities with a lapse period of 10 years.
21. **Figure 1** below shows the location of the Karioi Mill Wetland within the wider site location.



Figure 1: Pulp Mill Wetland Location

22. The Applicant requested the Application be notified. **Table 1** below is the timeline of events.

Event	Date
Application APP-2006012018.03 lodged	9 July 2026
Application Notified	22/23 July 2026
Submission Period Closes	20 August 2026
Hearing	14 October 2026

Table 1: Consent timeline

23. It should be noted that the application made on 9 July included the information relating to APP-2006012018.02 and the corresponding s92 response to that application. This information has been relied upon during this assessment.

E. RULE ASSESSMENT

24. The One Plan (2026) regulates discharges to water. This application relates to the discharge of condensate wastewater from the Winstone Pulp International Karioi site to the Whangaehu River.
25. The Whangaehu River at the discharge location is not identified as containing rare, threatened or at-risk habitat, and the reach of the river affected by the discharge does not have Natural State values identified in Schedule 2. Those values are identified in the headwaters of the Whangaehu River approximately 20 km upstream of the site.
26. **Rule LF-LW-R34** provides for the discharge of water or contaminants into surface water as a permitted activity where all the conditions of that rule are met. The proposed discharge does not comply with the permitted activity conditions of **Rule LF-LW-R34**. Therefore, the proposed discharge of condensate wastewater requires consent as a discretionary activity under the discharge **Rule LF-LW-R38** of the One Plan.
27. **Rule LF-LAND-R6** provides for land disturbance exceeding 2,500 m² per property in any 12-month period, together with any ancillary diversion of water and discharge of sediment, as a controlled activity. The proposed wetland construction will involve land disturbance over an area of approximately 17,146 m² involving approximately 10,447 m³ of cut and 9,994 m³ of fill. The land disturbance and associated sediment discharge therefore require consent as a controlled activity under **Rule LF-LAND-R6**.
28. In relation to the contaminated land within the proposed wetland footprint, Mr Blackwell has not identified an additional contaminant discharge pathway arising from the proposed works. Based on

his assessment, I have not identified a requirement for a separate Regional Council discharge permit arising from the contaminated land.

29. The Applicant has advised that no dewatering or groundwater take is proposed and considers there is a low likelihood of groundwater being encountered during construction. On the information currently available, I have therefore not identified a separate resource consent requirement for dewatering associated with the wetland construction. However, should groundwater be encountered and dewatering become necessary, the applicable consenting requirements will depend on the nature and scale of any take or diversion of water and the method of discharge or disposal. In particular, the discharge of contaminated water may require separate resource consent under Rule **LF-LW-R38**. I have recommended a condition requiring a Dewatering Management Plan should dewatering be required. That condition does not authorise any activity that otherwise requires resource consent under the One Plan.
30. A separate resource consent will also be required for discharges to air from the proposed torrefaction activity. That consent does not form part of this application. Ms Simpson has identified a process relationship between operation of the torrefaction plant and condensate quality but does not consider that a detailed assessment of the air discharge is required to understand the effects of the proposed condensate discharge. On that basis, I consider the condensate discharge can be assessed through this application, with the operating parameters relied upon in the assessment appropriately addressed.
31. The existing site stormwater discharge does not form part of this application and is separately authorised under Discharge Permit ATH-1997004170.00 (previously Discharge Permit 6724). This permit expires on 30 March 2032.

Activity Summary

Activity Summary		
Discharge Permit , Water, Condensate Wastewater Discharge.	One Plan (2026), Rule LF-LW-R38, Discretionary Activity.	ATH-2010011593.03
Land use consent , Land Disturbance and associated discharge of sediment for construction of the wetland	One Plan (2026), Rule LF-LAND-R6, Controlled Activity	ATH-2026209463.00

Bundling Principle

32. The proposed wastewater discharge (**ATH-2010011593.03**) and the land disturbance associated with construction of the wetland (**ATH-2026209463.00**) are functionally connected and form part of the same overall proposal. Individually, the wastewater discharge is a discretionary activity under **LF-LW-R38** and the land disturbance is a controlled activity under **LF-LAND-R6**. As a controlled activity, the land disturbance consent must be granted, with conditions imposed in relation to the matters over which control is reserved. Given the relationship between the activities, I have assessed their effects together as part of the overall proposal, while recognising the separate activity status applying to each consent.

F. LOCATION – EXISTING ENVIRONMENT

33. The site, legally described as Section 3, Block XI, Karioi Survey District, is located on State Highway 49 at Karioi, approximately 8 km west of Waiouru as shown in **Figure Figure 2** below. The site is supported by extensive infrastructure, including a dedicated substation, its own water supply (being from the Tokiahuru Stream surface water abstraction, authorised under consent ATH-2010011603.01), Wastewater Treatment Plant (WWTP), and dedicated railway lines.

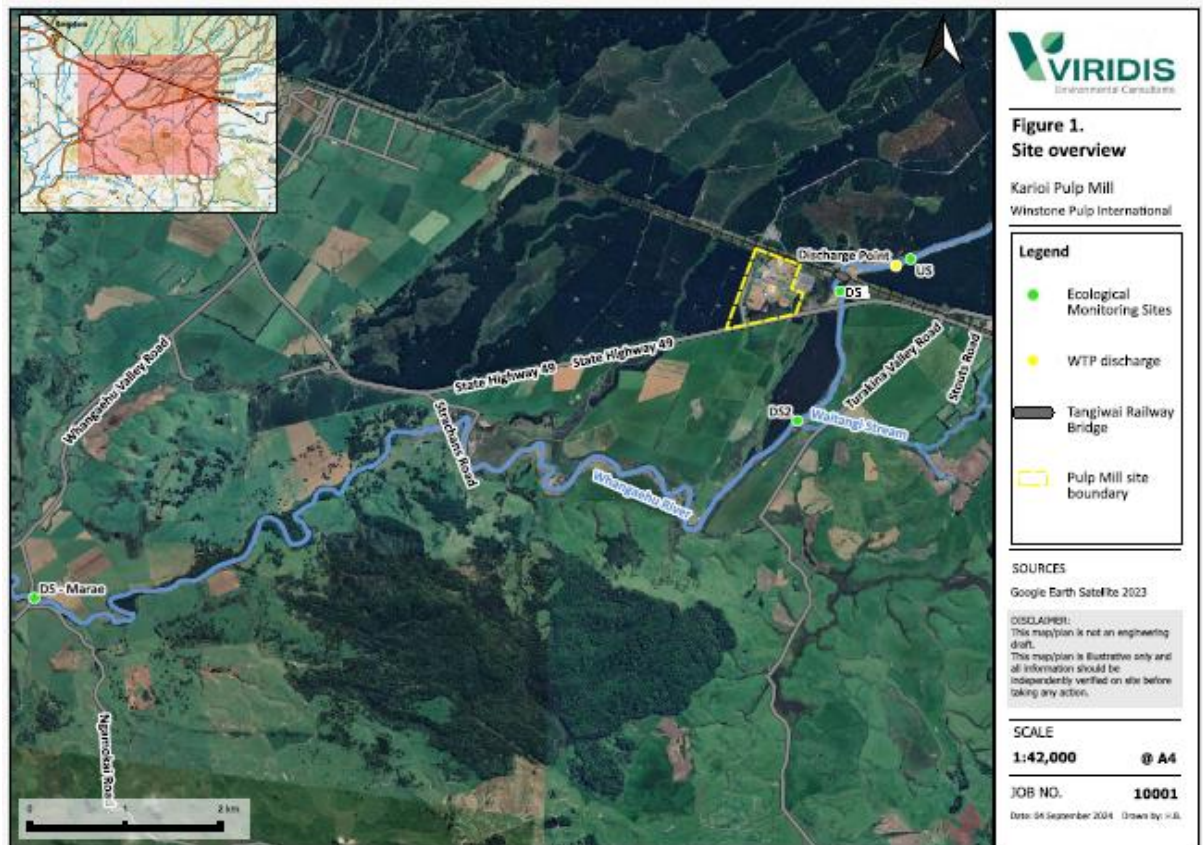


Figure 2: Location of WPI Pulp Mill

34. The surrounding land use is predominantly rural (farming and forestry) under the Operative Ruapehu District Plan 2013. The pulp mill site carries a special activity notation that effectively enables the established industrial use within the rural zone.
35. The Tangiwai Sawmill is located approximately 2 km east of the Pulp Mill.
36. The discharge of condensate wastewater is directly to the upper Whangaehu River. The existing mill platform is on the true-left terrace, within approximately 500 metres southeast of the river channel. The proposed condensate wastewater discharge is to the upper Whangaehu River via the proposed constructed wetland and then through the existing outfall.
37. The existing discharge outfall is upstream of the Tangiwai railway bridge by approximately 700 metres. The Tangiwai Rail Disaster Memorial is situated about three kilometres downstream on State Highway 49 and functions as both a heritage place and a public amenity where people stop.
38. The receiving environment is within the Whangaehu catchment, which is distinctive in a regional and national context. The river is naturally acidic and sulphur-rich due to inputs from Te Wai ā-Moe (also known as the Crater Lake) on Mount Ruapehu. These characteristics, together with the headwaters setting, influence how colour and clarity are perceived and how any discharge effects may propagate downstream.
39. The site is within the rohe of Ngāti Rangi and within the Te Waiū-o-te-Ika catchment. The proposed discharge is to the Whangaehu River, Te Waiū-o-te-Ika. Section 109(3) of the Ngāti Rangi Claims Settlement Act 2019 therefore applies and requires the decision maker to have particular regard to Te Mana Tupua and Ngā Toka Tupua. I consider these matters further in Sections H and O of this report.
40. Immediately north of the site are the North Island Main Trunk railway and a Transpower substation; the Tangiwai sawmill is located approximately two kilometres to the east. The Karioi site also operates within an existing resource consent framework. The relevant Regional Council consents include Discharge Permit ATH-2010011593.01 for the existing pulp mill wastewater discharge, which has been extended to 31 December 2027; Water Permit ATH-2010011603.01 for the Tokiahuru Stream abstraction; Air Discharge Permit ATH-2010011241.01 for existing discharges to air from the site; and Discharge Permit ATH-1997004170.00 for the separate site stormwater discharge. These consents form part of the existing consented environment.

G. NOTIFICATION AND SUBMISSIONS

41. The application was publicly notified on 22 July 2026 in the Ruapehu Bulletin and 23 July 2026 in the Taumarunui Bulletin. Submissions closed on Thursday 20 August 2026. A total of 20 submissions were received, comprising 15 submissions in support, one in opposition and four neutral submissions. Four submitters stated that they wished to be heard. These submitters are shaded grey in Table 2 below.
42. Nineteen submissions were received within the submission period. One submission, submitter 19 – Pukeatua Farming Limited, was received on 26 August 2026 being four working days past the close of submissions. On 26 August 2026, the Panel issued Minute 2, granting waiver for the late filing of Submission 19. Submission 19 is therefore to be given full consideration, as if it had been received within the submission period.
43. **Table 2** below identifies the following parties who made submissions to the application. The submitters who requested to be heard at the hearing are shaded in grey.

#	Submitter Name	Support/Oppose	Wishes to be heard
1	Ohakune Business Network	Support	Not specified
2	Taranaki Fish & Game Council	Support	No
3	Grayson Assemblies Limited	Support	No
4	Port of Napier Limited	Support	No
5	Federated Mountain Clubs of New Zealand Inc.	Neutral	Not specified
6	Carla Doolan-Blackburn	Support	No
7	Andrew James Chamley	Support	No
8	Allan Gudsell	Support	No
9	Gustav Bam	Support	No
10	Pure Turoa Limited	Support	No
11	Highline Produce Limited	Support	No
12	Byfords Readimix Limited	Support	No
13	Hamish Blackburn	Support	No
14	Graeme Curwen	Neutral	Not specified
15	Ngā Waihua o Paerangi Trust / Ngāti Rangi	Oppose	Yes
16	David George Scott	Support	No
17	Health New Zealand Te Whatu Ora, National Public Health Service	Neutral	Yes
18	Electrical Engineering Solutions NZ Limited	Support	Yes
19	Pukeatua Farming (late and accepted)	Neutral	Yes
20	Steve Dowman	Support	No

Table 2: Submissions received

44. **Table 3** below identifies the themes raised by the submitters. This table is **not** an in-depth analysis of the matters raised in the submissions. Full copies of the submissions received were provided to the Panel and Applicant.

Table 3: Submission summary

Error! Reference source not found. Error! Reference source not found.No.	Submission Number(s)	Matters raised	Relief requested
1	1, 3, 4, 6, 7, 8, 10, 11, 12, 13, 16, 18, 20	Economic and social benefits, including employment, support for local businesses and contractors, community stability, regional economic recovery and year-round economic activity.	Support / grant
2	1, 4, 6, 7, 10, 11, 13, 18	Enabling sale, reinvestment, redevelopment and productive reuse of the former pulp mill site, including providing consent certainty for a prospective purchaser or operator.	Support / grant
3	1, 2, 5, 6, 7, 9, 11, 13, 14, 16, 17, 20	Reduced discharge volume and/or changes to the proposal as reasons for considering environmental effects to be reduced, including passage through the constructed wetland and removal of anti-foaming agent.	Support / neutral
4	1, 2, 5, 6, 7, 9, 11, 13, 14, 15, 16, 17, 19, 20	Water quality and effects on the Whangaehu River, including the likely effect of the proposed discharge and observations regarding historical or current river condition.	Mixed. Support or neutral where effects are considered low/manageable. Submission 15 declines the application in its present form.
5	1, 6, 14, 16, 17	Natural characteristics of the Whangaehu River, including volcanic influence, acidity, sulphur, colour and variability in river conditions.	Generally relied on as a reason for support or a neutral position / inform monitoring.

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6	1, 2, 5, 6, 7, 14, 15, 17, 19, 20	Constructed wetland prior to discharge to the Whangaehu River, including its design, siting, construction and performance.	Mixed. Generally supportive or neutral, with concerns relating to site suitability, contaminated land, soil conditions, design, maintenance and monitoring. Submission 15 identifies wetland-related requirements that would need to be addressed before Ngāti Rangi would consider supporting a modified proposal.
7	2, 15, 17	Contaminated land within the proposed wetland footprint, including potential mobilisation of contaminants to surface water or groundwater and suitability of the proposed wetland location	Conditions or changes to ensure contaminated soils are appropriately removed, contained or otherwise managed. Submission 2 seeks removal and appropriate disposal of contaminated soils and that the wetland not be constructed on contaminated land. Submission 15 identifies relocation or effective containment as matters that would need to be addressed before Ngāti Rangi would consider supporting a modified proposal. Submission 17 identifies appropriate remediation and management as important.

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8	15	Cultural values and the relationship of tangata whenua with Te Waiū-o-te-Ika, including Te Mana Tupua, Ngā Toka Tupua, cumulative and intergenerational effects and the Tangiwai area.	Decline the application in its present form. The submission separately identifies requirements that would need to be addressed before Ngāti Rangi would consider supporting a modified proposal.
9	5, 14, 17	Recreational use and public health, including white-water kayaking, immersion or ingestion risk and the health implications of the proposed discharge.	Neutral / does not oppose, subject to appropriate treatment, monitoring and safeguards.
10	14	Availability of information for river users, particularly real-time pH information to assist recreational trip planning and safety.	Provide real-time pH information at the Tangiwai State Highway 49 Bridge and Karioi monitoring location.
11	6, 10, 13, 14, 15, 17	Monitoring and operational safeguards, including discharge quality, wetland performance, contaminant monitoring and review provisions.	Appropriate monitoring, conditions and review requirements. Submission 15 identifies monitoring and review requirements as matters that would need to be addressed before Ngāti Rangi would consider supporting a modified proposal.
12	6, 15, 20	Consent duration and review arrangements	Submission 6 supports the 20-year term and 10-year lapse period sought. Submission 20 supports the 20-year term sought. Submission 15 declines the

Error! Reference source not found. Error! Reference source not found. No.	Submission Number(s)	Matters raised	Relief requested
			application in its present form and identifies an initial 10-year period, provision for a further 10 years and five-year reviews as matters that would need to be addressed before Ngāti Rangi would consider supporting a modified proposal.
13	15	Submission 15 identifies ongoing Ngāti Rangi involvement in monitoring, wetland planting and cultural matters as requirements that would need to be addressed before it would consider supporting a modified proposal.	Submission 15 identifies ongoing Ngāti Rangi involvement as a requirement that would need to be addressed before Ngāti Rangi would consider supporting a modified proposal.
14	6, 8, 11, 13, 18, 20	Existing infrastructure, previous operational experience, compliance history and environmental or operational controls at the site.	Support / grant, including enabling continued productive use of established industrial infrastructure.
15	17	Air quality, combustion performance and the relationship between abnormal combustion conditions and condensate quality, including start-up, shutdown and upset conditions, fuel type, dust, odour and emergency response.	Does not oppose, but seeks additional assessment and conditions addressing combustion performance, fuel restrictions, air emissions, abnormal operations and emergency response.
16	19	Consultation and recognition of historically affected parties, including involvement in discussions concerning the site.	Recognise the submitter as a historically affected party and member of the

Error! Reference source not found.Error! Reference source not found.No.	Submission Number(s)	Matters raised	Relief requested
			established Whangaeahu River group, and include them in future discussions
17	19	Operational noise associated with future operation of the mill, particularly effects on neighbouring/downwind properties	Give specific consideration to operational noise from the proposed future activity
18	19	Accuracy of the description of soils within the proposed wetland construction area, with the submitter stating that the soil is pumice rather than clay and silt as described in the application.	Clarify the soil description and take the soil characteristics into account in assessment and design of the wetland.
19	19	Relationship with the MyNoke operation and historical consent compliance matters associated with that operation.	Clarify any relevant consent compliance matters associated with the MyNoke operation and their relationship to the proposed operation.

Submission themes

Economic and Social effects

45. Thirteen submitters (Submissions 1, 3, 4, 6, 7, 8, 10, 11, 12, 13, 16, 18 and 20) support the application on the basis of the potential economic and social benefits associated with the future productive use of the former pulp mill site. Submitters emphasise the potential economic benefits to the Ruapehu District and wider region, including employment opportunities, support for local businesses, and regional economic recovery following the closure of the mill in 2024. Eight of those submitters (Submissions 1, 4, 6, 7, 10, 11, 13 and 18) also consider that obtaining the necessary resource consents will provide greater certainty for a prospective purchaser or future operator and assist in attracting investment and enabling redevelopment of the site.

Water quality and discharge effects

46. Fourteen submissions (1, 2, 5, 6, 7, 9, 11, 13, 14, 15, 16, 17, 19 and 20) address the likely effects of the proposed condensate wastewater discharge on the Whangaehu River. Supporting and neutral submitters generally refer to the reduced discharge volume, the proposed constructed wetland and the absence of anti-foaming agent as improvements to the proposal and consider that the effects on water quality will be low or manageable. Some submitters also refer to the naturally acidic and volcanically influenced characteristics of the Whangaehu River when considering observed colour, clarity and recreational conditions. Ngā Waihua o Paerangi Trust / Ngāti Rangi raises concerns regarding the discharge of wastewater to Te Waiū-o-te-Ika and considers that the discharge, in its present form, is inconsistent with the values and life-giving properties of the Whangaehu River. Submission 19 considers that the proposed new operation provides an opportunity to further improve the discharge.

Constructed wetland and contaminated land

47. The proposed constructed wetland is recognised by submitters as an additional component of the discharge pathway prior to discharge to the Whangaehu River. However, concerns have been raised regarding the contaminated nature of the proposed wetland site and the potential for contaminants within soils to be mobilised during construction or enter surface water or groundwater. Taranaki Fish & Game Council (submitter 2) seeks removal and appropriate disposal of contaminated soils, while Ngā Waihua o Paerangi Trust / Ngāti Rangi (submitter 15) identifies either use of an alternative uncontaminated site or construction measures that fully contain and seal contaminated soils as matters that would need to be addressed before it would consider supporting a modified proposal. Health New Zealand | Te Whatu Ora

(submitter 17) also identifies the importance of appropriate remediation, construction, operation and monitoring of the wetland. Submission 19 additionally queries the description of the soils within the proposed wetland area, stating that the soils are pumice rather than clay and silt as described in the application.

Recreational use and human health

48. Recreational and public health matters are raised principally in relation to white-water kayaking, immersion in the river and the potential exposure of river users to the discharge. Federated Mountain Clubs of New Zealand (submitter 5) and Mr Graeme Curwen (submitter 14) acknowledge the changes made to the proposal, including the reduced discharge volume, removal of anti-foaming agent and passage of the discharge through the constructed wetland, and take neutral positions on the application. Mr Curwen also seeks real-time pH information to assist recreational users with trip planning and safety. Health New Zealand (submitter 17) considers that, based on the information available, the proposed discharge is unlikely to pose a significant public health risk, provided appropriate construction, operation, maintenance and monitoring requirements are imposed.

Other operational and consultation matters

49. Several submitters (Submissions 6, 10, 13, 14, 15 and 17) seek monitoring or other safeguards to verify the performance of the proposed discharge and associated wetland and infrastructure. Matters raised include upstream and downstream contaminant monitoring, monitoring of condensate and final discharge quality, wetland performance monitoring, discharge flow monitoring, pipeline integrity, review provisions and ongoing involvement of Ngāti Rangi. Health New Zealand also raises uncertainty regarding condensate quality during start-up, shutdown, malfunction or incomplete combustion conditions and recommends controls relating to fuel type, combustion performance, abnormal operating conditions, dust, odour, emergency response and further assessment of air quality effects.
50. Submission 19 raises concerns regarding the extent of consultation undertaken and seeks recognition and ongoing involvement as a historically affected neighbouring party. The submission also raises noise from future use of the site and seeks clarification of matters associated with the MyNoke operation, including any relevant consent compliance matters.

Cultural values and Te Waiū-o-te-Ika

51. Ngā Waihua o Paerangi Trust on behalf of Ngāti Rangi (submission 15) emphasises the cultural significance of the Whangaehu River, including its relationship with tangata whenua and the

application of Te Waiū-o-te-Ika, Te Mana Tupua and Ngā Toka Tupua. It emphasises the need to consider the awa as a living and indivisible whole and raises concerns regarding cumulative and intergenerational effects, the relationship of Ngāti Rangi with the awa, and the proximity of the discharge to the Tangiwai memorial area. While the submission seeks that the application be declined in its present form, it separately identifies matters that would need to be addressed before Ngāti Rangi would consider supporting a modified proposal, including ongoing Ngāti Rangi involvement in monitoring, wetland planting and other matters associated with implementation of any consent.

H. ASSESSMENT – TE WAIŪ-O-TE-IKA

52. The proposal includes a direct discharge of condensate wastewater to the Whangaehu River. As such, both the Resource Management Act 1991 (“RMA”) and the Ngāti Rangi Claims Settlement Act 2019 are relevant to the consideration of this application. The Applicant has provided a separate assessment of the proposal against the Te Waiū-o-te-Ika framework¹.
53. The Ngāti Rangi Claims Settlement Act 2019 was enacted to implement the historical Treaty settlement with Ngāti Rangi in relation to the Whangaehu River and the Te Waiū-o-te-Ika catchment. The Act establishes the Te Waiū-o-te-Ika framework, including Te Mana Tupua and Ngā Toka Tupua, to provide legal recognition of the Whangaehu River catchment as a living and indivisible whole and to give statutory expression to the relationship of Ngā Iwi o Te Waiū-o-te-Ika with the Whangaehu River and its catchment.
54. Part 3 of the Ngāti Rangi Claims Settlement Act 2019 establishes the Te Waiū-o-te-Ika framework. Te Waiū-o-te-Ika is recognised as a living and indivisible whole from Te Wai ā-moe to the sea, comprising physical, mineral and metaphysical elements. The framework includes Te Mana Tupua and Ngā Toka Tupua.
55. Section 108 of the Ngāti Rangi Claims Settlement Act 2019 identifies four Ngā Toka Tupua, being the intrinsic values that represent the essence of Te Waiū-o-te-Ika. In summary, these provide for the relationship with the source of the awa, its interconnected and intergenerational nature, its living and life-supporting qualities, and the relationship between the wellbeing of Te Waiū-o-te-Ika and the prosperity and growth of its hapū and iwi. Section

¹ Regional Council website, [APP-2006012018.02 Winstone Pulp International Limited | Horizons Regional Council](#), Application, 12 – Technical Memo 8 – Whangaehu River Framework

109 then sets out the legal effect of Te Mana Tupua and Ngā Toka Tupua for persons exercising functions, powers or duties under the legislation identified in Schedule 5.

56. In the resource management context, this includes decision makers exercising functions under the Resource Management Act 1991 where the function, power, or duty relates to the Whangaehu River, or to an activity within the Te Waiū-o-te-Ika catchment that affects the Whangaehu River, and if and to the extent that Te Mana Tupua and Ngā Toka Tupua relate to that function, power, or duty.
57. Section 109 sets out the legal effect of Te Mana Tupua and Ngā Toka Tupua. Section 109(2) applies when preparing, varying, changing or approving a regional policy statement, regional plan or district plan and requires the decision maker to *recognise and provide for* Te Mana Tupua and Ngā Toka Tupua. Section 109(3) applies to the exercise of functions, powers or duties under the legislation identified in clause 2 of Schedule 5 and requires the decision maker to *have particular regard to* Te Mana Tupua and Ngā Toka Tupua.
58. As this is a resource consent application under the RMA, section 109(3) applies. The Panel is therefore required to have *particular regard* to Te Mana Tupua and Ngā Toka Tupua when making its decision on the application.
59. The Applicant's assessment identifies each of the four Ngā Toka Tupua intrinsic values and provides its assessment of how the proposal relates to those intrinsic values. The Applicant also acknowledges that it is for mana whenua to identify the relevant cultural values of the Whangaehu River.
60. The Applicant relies on several changes from the previous pulp mill discharge in support of its assessment. These include the reduction in the maximum discharge volume to 750 m³/day, the different nature of the wastewater generated by the proposed wood processing operation, and the passage of the wastewater through a constructed wetland before it is discharged to the Whangaehu River. As noted previously, the application seeks a 20-year consent term with a ten-year lapse period.
61. The constructed wetland is particularly relevant to this assessment. The Applicant identifies that the wetland was incorporated into the proposal following matters raised by Ngāti Rangi through the earlier APP-2006012018.02 application process. I note this change to the original proposal. However, the inclusion of the wetland does not, in itself, determine whether the

proposal appropriately responds to the matters identified through Te Mana Tupua and Ngā Toka Tupua.

62. APP-2006012018.03 was publicly notified and Ngā Waihua o Paerangi Trust, on behalf of Ngāti Rangi (Submitter 15), made a submission opposing the application in its present form. The submission emphasises the relationship of Ngāti Rangi with Te Waiū-o-te-Ika and the relevance of Te Mana Tupua and Ngā Toka Tupua to the consideration of the application. Concerns are raised regarding the continued discharge to the Whangaehu River, cumulative and intergenerational effects, effects on their relationship with the awa, and the proximity of the activity to the Tangiwai Memorial. Ngā Waihua o Paerangi also raises concerns with the 20-year consent term and ten-year lapse period sought. The submission seeks that the application be declined and records that Ngāti Rangi is unable to support the proposal in its present form. It also seeks ongoing involvement should consent be granted. These matters are relevant to the Panel's consideration of Te Mana Tupua and Ngā Toka Tupua.
63. In my view, the assessment of this application cannot therefore be confined to whether conventional water quality or ecological effects are acceptable under the RMA. The Panel is also specifically required by section 109(3) of the Ngāti Rangi Claims Settlement Act 2019 to have particular regard to Te Mana Tupua and Ngā Toka Tupua when making its decision.
64. I have considered the technical assessments provided by the Applicant and the Council's technical reviewers in relation to the effects of the discharge on water quality and aquatic ecology. Those assessments assist in understanding the physical effects of the proposal on the Whangaehu River. They do not, however, replace the evidence of Ngāti Rangi as to the cultural values and relationships associated with Te Waiū-o-te-Ika.
65. In reaching this view, I have considered the Applicant's assessment, the technical evidence available to me, the matters raised in submissions. I will also consider the evidence to be presented by Ngā Waihua o Paerangi on behalf of Ngāti Rangi and other parties at the hearing. I have not sought to assess the cultural effects on behalf of Ngāti Rangi. Rather, my assessment is directed to the statutory requirements that apply to the Panel's decision and whether the proposal, including any recommended conditions, appropriately addresses the matters raised through the consent process.

I. ASSESSMENT – SECTION 104

66. The provisions of section 104 of the Resource Management Act 1991 (the Act) must be considered by the Hearing Commissioners in deciding the resource consent application. The Applicant's assessment of the relevant statutory provisions is principally set out in Section 8 of the Planning Report² together with the statutory assessment of Te Waiū-o-te-Ika contained in Technical Memo 8 and the provisions identified in the respective application forms. I have reviewed those provisions and considered whether any additional provisions are relevant to the application. The matters contained in section 104 that, in my opinion, are of relevance include:

- 104(1)(a). **Actual and potential environmental effects.** An assessment of the actual and potential environmental effects has been provided by the Applicant. I have also relied on the technical assessments prepared on behalf of the Regional Council, including the section 42A report prepared by Mr Kerry Pearce in relation to earthworks and erosion and sediment control, the contaminated land technical memoranda prepared by Mr James Blackwell of SLR Consulting New Zealand Limited, the section 42A report prepared by Dr Olivier Ausseil in relation to water quality and aquatic ecology and the technical memorandum prepared by Ms Jenny Simpson of Tonkin & Taylor Limited in relation to the interface between the torrefaction process, air discharge and condensate quality. I have considered the assessment contained in the application, the section 42A technical reports and the technical memoranda in reaching my overall assessment of the actual and potential effects of the activities. This assessment is given in Section J of my report.
- 104(1)(ab) **Agreed measures (offsetting).** No offsetting is proposed as part of the application.
- 104(1)(b)(i) **National Environmental Standards.** The Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 are considered relevant to this application. I

² Babbage Consultants Limited, *Resource Consent Application APP-2006012018.02: Planning Report – Karioi Wood Processing* (30 April 2026), Section 8, p. 23, incorporated as Document 04 of the APP-2006012018.03 application package.

consider the relevance of these National Environmental Standards in Section K of this report.

- 104(1)(b)(ii) **Other regulations.** I have not identified any other regulations under this subsection that require specific assessment in determining the application.
- 104(1)(b)(iii) **Relevant National Policy Statements.** Section L of my report comments on relevant provisions of the National Policy Statement for Freshwater Management 2020.
- 104(1)(b)(iv) **New Zealand Coastal Policy Statement.** The proposal is not located within the Coastal Marine Area and the Coastal Policy Statement is not relevant to this application.
- 104(1)(b)(v) **Relevant Regional Policy Statement.** The Applicant's assessment has identified several relevant Objectives and Policies of the Regional One Plan Policy Statement³. Section M of my report expands on these provisions.
- 104(1)(b)(vi) **Relevant Regional Plan.** The Applicant's assessment has identified a number of relevant Objectives and Policies of the Regional One Plan⁴. My discussion on these Policies contained in Section N of this report expands on these provisions.
- 104(1)(c) **Other Matters the Consent Authority Considers Relevant.** The statutory framework established by Part 3 of the Ngāti Rangi Claims Settlement Act 2019 for Te Waiū-o-te-Ika is relevant to consideration of this application. This includes Te Mana Tupua and Ngā Toka Tupua and the statutory directions applying to persons exercising functions, powers or duties under the Resource Management Act. I have also considered the Ngāti Rangi Taiao Management Plan (2014). I address both the Act and the Plan in Section O of this report.

³ Babbage Consultants Limited, *Resource Consent Application APP-2006012018.02: Planning Report – Karioi Wood Processing* (30 April 2026), Section 8.3.1, p. 28, incorporated as Document 04 of the APP-2006012018.03 application package

⁴ Babbage Consultants Limited, *Resource Consent Application APP-2006012018.02: Planning Report – Karioi Wood Processing* (30 April 2026), Section 8.3.2, p. 31, incorporated as Document 04 of the APP-2006012018.03 application package

J. ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT – SECTION 104(1)(A)

67. The assessment of environmental effects below considers the key effects arising from the application within the jurisdiction of the Regional Council. These include:
- (a) Effects on surface water quality;
 - (b) Effects on aquatic ecology;
 - (c) Effects on recreation, amenity and public health;
 - (d) Construction effects, including erosion and sediment effects associated with the proposed earthworks;
 - (e) Effects associated with contaminated land and the disturbance and reuse of soils;
 - (f) Effects on groundwater, including potential seepage from the proposed wetland;
 - (g) Positive effects; and
 - (h) Cumulative and long-term effects;
 - (i) Effects on tangata whenua and cultural values.

Effects on surface water quality

68. The Applicant has assessed the proposed maximum discharge of 750 m³/day of condensate to the Whangaehu River. The assessment assumes that the maximum discharge occurs when the river is at Mean Annual Low Flow, resulting in a dilution ratio of approximately 266. The assessment also assumes no removal of contaminants as the condensate passes through the constructed wetland. Dr Ausseil considers these assumptions to be environmentally conservative.
69. Dr Ausseil has reviewed the Applicant's water quality assessment and checked the mass balance calculations. He records that the Whangaehu River upstream of the discharge is strongly influenced by its volcanic source, including naturally low pH, elevated phosphorus concentrations and relatively low visual clarity. Against the relevant One Plan water quality targets, the river currently meets the ammoniacal nitrogen and E. coli targets, but does not meet the dissolved inorganic nitrogen, dissolved reactive phosphorus, pH or visual clarity targets. Dr Ausseil considers that the existing exceedances are primarily influenced by natural factors.
70. Based on the discharge quality and quantity assessed, Dr Ausseil concludes that the effects of the proposed discharge on the water quality of the Whangaehu River will generally not be detectable and will be no more than minor. He expects water quality targets and National Policy Statement for Freshwater Management attribute states that are met upstream to

continue to be met downstream of the discharge. Where targets or attribute states are not currently met, he does not expect the discharge to result in them being failed to any appreciably greater degree. He has also considered the potential temperature effect of the discharge and concludes that any increase in River temperature will be minor.

71. An important qualification to Dr Ausseil's assessment is that the proposed torrefaction plant is not yet operating, and the actual quality of the future condensate discharge is therefore not known. His conclusions rely on the discharge quality and quantity identified in the application. He recommends that the volume and chemical composition of the discharge be monitored once the plant is operational to confirm that the actual discharge remains consistent with that assessed. This includes monitoring of the contaminants identified in the application, together with cBOD₅ and selected organic compounds.
72. Health New Zealand considers the proposed condensate unlikely to contain faecal contaminants and therefore unlikely to adversely affect microbiological water quality. It identifies the possibility of minor faecal inputs associated with wildlife using the wetland but considers the resulting public health risk to be low. Mr Curwen (Submission 14) has taken a neutral position on the application and seeks real-time pH information to assist recreational users of the river.
73. Based on Dr Ausseil's section 42A assessment, I consider the effects of the proposed discharge on surface water quality are expected to be no more than minor, provided the actual discharge quantity and quality remain consistent with those assessed. I have therefore included provisions within the condition framework to verify the volume and composition of the discharge once the plant is operational and to provide a response where the actual discharge differs materially from that assessed. The condition framework also includes proposed condensate quality limits intended to maintain the discharge within the quality envelope relied upon in the effects assessment. I discuss the basis for those proposed limits further in Section T.

Effects on aquatic ecology

74. The Applicant has provided an aquatic ecology assessment as part of the application package. Dr Ausseil has reviewed the potential effects of the proposed discharge on the aquatic ecology of the Whangaehu River as part of his section 42A assessment.

75. Dr Ausseil considers that, based on the discharge quality and quantity assessed, the effects of the proposed discharge on water quality will generally not be detectable and will be no more than minor. On that basis, he concludes that any consequential effects on the river's aquatic communities and ecology will also be no more than minor. He further considers that the discharge is not expected to result in significant adverse effects on aquatic life.
76. Taranaki Fish & Game Council (Submission 2) supports the reduced wastewater volume, the proposed quality of the discharge and treatment through a constructed wetland. Its principal concern relates to the contaminated soils beneath the proposed wetland rather than a separately identified adverse effect of the condensate discharge on aquatic ecology.
77. Based on Dr Ausseil's section 42A assessment, I consider the effects of the proposed discharge on aquatic ecology are expected to be no more than minor, provided the actual discharge quantity and quality remain consistent with those assessed. The monitoring framework discussed above is therefore also relevant to ensuring that the basis for Dr Ausseil's ecological conclusions remains valid once the plant is operational.

Effects on recreation, amenity and public health

78. The Whangaeahu River is used for recreational purposes, including white-water kayaking. The naturally acidic and volcanically influenced nature of the river forms part of the existing receiving environment. Dr Ausseil records a median pH of approximately 2.6 upstream of the proposed discharge over the five-year period assessed. He also records that the upstream site meets the relevant One Plan *E. coli* target and is within NPS-FM Band A for *E. coli*.
79. Mr Graeme Curwen (Submission 14) acknowledges the changes made to the proposal, including the reduced discharge volume and passage of the condensate through the constructed wetland prior to discharge. His remaining concern relates primarily to the availability of real-time pH information for recreational river users.
80. Health New Zealand (Submission 17) has considered potential public health effects. It notes that the river is accessible to residents and visitors, including in the vicinity of the Tangiwai Memorial. It does not expect the condensate discharge to result in an increased microbiological health risk.
81. Dr Ausseil concludes that the effects of the proposed discharge on water quality will generally not be detectable and will be no more than minor. He does not expect the discharge to appreciably alter the relevant water quality targets or NPS-FM attribute states and does not

expect a conspicuous change in colour or visual clarity. Based on that technical assessment, together with the advice from Health New Zealand, I consider the effects of the proposed discharge on recreation, amenity and public health are expected to be no more than minor.

82. In relation to Mr Curwen's request for real-time pH information, the low and variable pH of the Whangaehu River is principally a characteristic of its volcanic source rather than an effect of the proposed discharge. Dr Ausseil does not expect the discharge to result in an appreciable change in River water quality. I therefore do not consider that provision of real-time pH information is necessary to avoid, remedy or mitigate an adverse effect arising from this application.

Earthworks, erosion and sediment effects

83. Construction of the proposed wetland involves earthworks over approximately 17,146 m², comprising approximately 10,447 m³ of cut and 9,994 m³ of fill. The principal potential effects are erosion, sediment generation and the potential discharge of sediment-laden water from the works area.
84. The Applicant proposes to contain runoff within the earthworks area rather than discharge sediment-laden water from the site. Mr Pearce considers that approach to be consistent with the underlying principles of the Greater Wellington guidelines and capable of providing a high level of sediment control.
85. Mr Pearce has, however, identified matters that require further detail through the final Erosion and Sediment Control Plan. These include:
- (a) stabilisation of completed works;
 - (b) management of any dewatering;
 - (c) the specific monitoring requirements and standards that will apply during the works;
 - and
 - (d) the interaction between the proposed erosion and sediment control methodology and the contaminated land management requirements.
86. The final matter is important because the proposed erosion and sediment control methodology includes the containment of runoff within the works area, while the contaminated land management approach relies on avoiding saturation and mobilisation of contaminants in the underlying soils.

87. Mr Pearce's assessment therefore needs to be read together with the contaminated land assessment undertaken by Mr Blackwell.
88. Subject to the outstanding matters being addressed through the final Erosion and Sediment Control Plan and associated conditions, Mr Pearce concludes that the erosion, sediment and associated water quality effects can be appropriately managed and will be less than minor.
89. Based on Mr Pearce's assessment, I consider that the final Erosion and Sediment Control Plan must be consistent with the Remedial Action Plan and the contaminated land management requirements identified by Mr Blackwell.

Effects associated with contaminated land

90. Historic industrial activities have resulted in contamination within parts of the proposed wetland footprint. The investigations undertaken by the Applicant have identified localised contamination, including arsenic and zinc, together with pulp and other anthropogenic material within the soil profile.
91. Mr James Blackwell of SLR Consulting New Zealand Limited has reviewed the contaminated land aspects of the proposal on behalf of the Regional Council. His technical memoranda are appended to this report at Appendix B and Appendix C and should be read alongside Mr Pearce's assessment.
92. Mr Blackwell records that the soil profile within the wetland area is variable and includes silt, pulp and other anthropogenic material. The Applicant proposes to reuse site-sourced soils in the construction of the wetland, while visible anthropogenic materials such as concrete, rubber, wood and plastic are to be removed from material used as fill.
93. Following completion of the cut and fill works, the soils are proposed to be encapsulated beneath a high-density polyethylene (HDPE) liner. Mr Blackwell records that the proposed liner has a very low hydraulic conductivity and is intended to achieve near-zero seepage provided it is correctly installed and subject to appropriate quality assurance.
94. Further information provided by the Applicant indicates that groundwater is likely to occur at greater than approximately 4.5 m below ground level. The identified zinc contamination occurs at approximately 1.5 m below ground level.

95. Ngā Waihua o Paerangi Trust (Submission 15) raises concerns regarding construction of the wetland over contaminated land, the potential mobilisation of contaminants to groundwater and ultimately the Whangaehu River, the long-term integrity of the liner and the adequacy of ongoing monitoring.
96. Mr Blackwell considers these to be valid technical matters. He does not consider they alter his overall conclusion that the risks can be appropriately managed, but considers they reinforce the need for appropriate liner design, quality assurance, monitoring and aftercare.
97. Taranaki Fish & Game Council (Submission 2) seeks removal of contaminated soil from the wetland footprint. On the basis of Mr Blackwell's advice, I do not consider wholesale removal of all affected soil is necessary to ensure that the environmental effects are acceptable.
98. The acceptability of retaining the soils beneath the wetland is, however, dependent on the proposed containment approach being properly designed, constructed and maintained.
99. I therefore consider the Remedial Action Plan, liner design and quality assurance, unexpected contamination procedures, leak detection, monitoring, maintenance and aftercare requirements should be secured through conditions of consent.

Potential effects on groundwater

100. A separate groundwater assessment for the operation of the wetland has not been provided. The wetland is proposed to be fully lined, and the Applicant is not seeking to discharge wastewater from the wetland to groundwater.
101. The relevant issue is therefore whether leakage from the wetland could provide a pathway for contaminants to enter the underlying land or groundwater.
102. Mr Blackwell considers that the proposed HDPE liner, if correctly installed and quality assured, should result in near-zero seepage. He nevertheless recommends that the final design include a means of identifying leakage and that the monitoring framework is capable of verifying that the containment system is performing as intended.
103. I consider this approach appropriate. Rather than requiring a separate groundwater effects assessment for a discharge to groundwater that is not proposed, I consider the residual groundwater risk can be addressed through the final wetland design, leak detection and monitoring requirements.

104. This conclusion is also relevant to the concerns raised by Ngā Waihua o Paerangi Trust (Submission 15) regarding the possible movement of contaminants beneath the wetland.

Interface between the torrefaction process and the condensate quality

105. Health New Zealand (Submission 17) raises matters concerning the relationship between the torrefaction process, the proposed air discharge and the quality of the condensate.
106. No consent to discharge contaminants to air from the proposed torrefaction operation forms part of the application presently before the Hearing Panel.
107. Ms Jenny Simpson of Tonkin & Taylor Limited has reviewed this matter on behalf of the Regional Council. Ms Simpson considers that a new air discharge consent will be required for the proposed torrefaction activity. She does not, however, consider that a detailed air quality assessment is necessary to understand the effects of the proposed discharge of condensate to water.
108. Ms Simpson identifies a clear process relationship between the operation of the Torr Gas burner and condensate quality. The assessment of condensate quality relies on the Torr Gas burner achieving a minimum temperature of 850°C and a residence time of at least two seconds. The assessment is also based on the processing of virgin forestry material.
109. I consider these matters are relevant to the water discharge consent because they form part of the basis on which the condensate discharge has been assessed.
110. If consent is granted, I consider the conditions should limit the authorised feedstock to virgin forestry material, require the Torr Gas burner operating parameters relied upon in the assessment, and provide for the management of condensate generated during abnormal operating conditions.

Submission 19 – Pukeatua Farming Limited

111. Pukeatua Farming Limited (Submission 19) raises a number of matters arising from their property location and previous experience with activities in the area. These include the lack of direct consultation, its historical involvement with the Whangaehu River group, the nature of the soils within the proposed wetland footprint, operational noise from the mill, the opportunity presented by the new operation to improve the existing discharge, and concerns associated with the separately consented MyNoke activity.

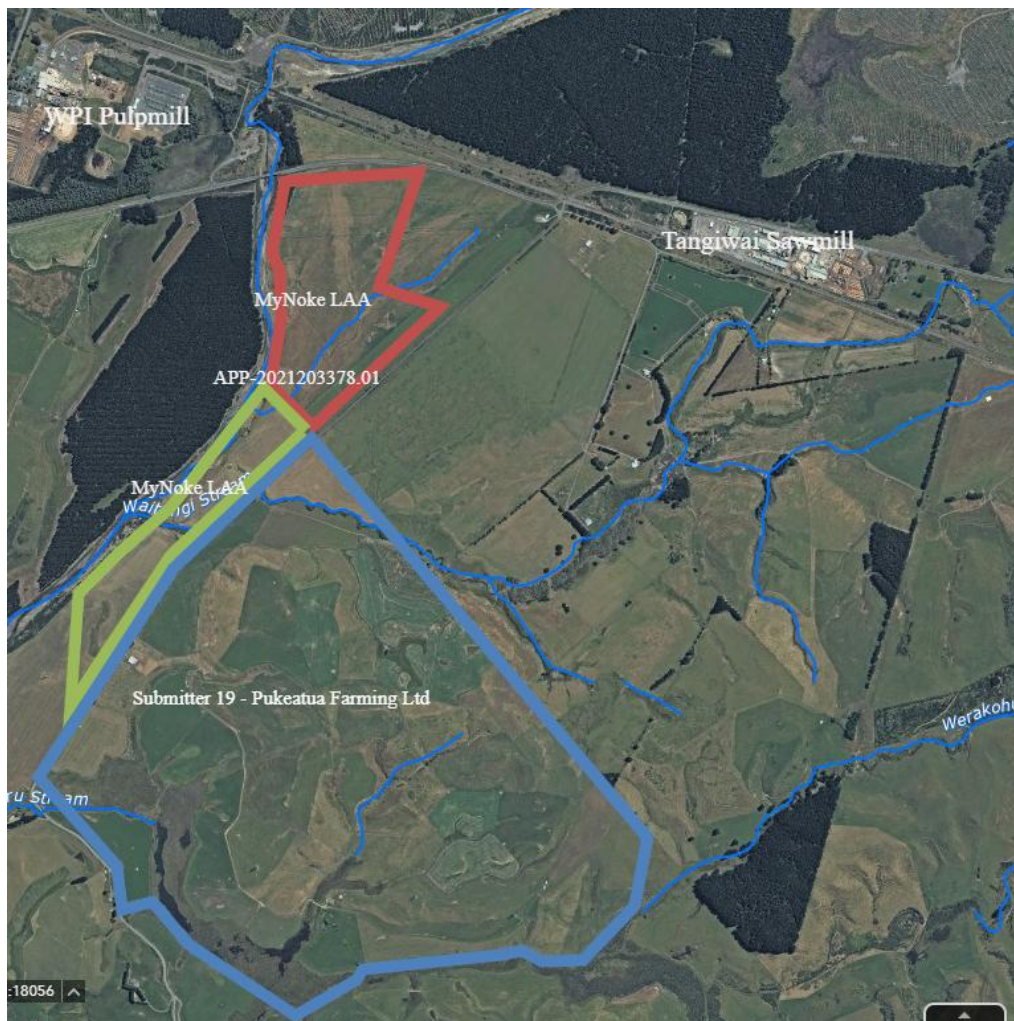


Image 1: MyNoke Land application area

112. In relation to consultation, Pukeatua Farming was not directly consulted by the Applicant. However, APP-2006012018.03 was publicly notified, and Pukeatua Farming has participated in the process through its submission. I have taken the matters raised in that submission into account in my assessment.
113. The concern regarding the nature of the soils within the proposed wetland footprint is addressed through the technical assessments undertaken by Mr Pearce and Mr Blackwell. Their assessments consider the site soils, earthworks methodology, erosion and sediment controls, contaminated land management and the proposed liner. I rely on those assessments in considering the effects associated with construction of the wetland.
114. Operational noise from the mill is a matter administered by Ruapehu District Council and is not an effect that falls within the Regional Council consents sought through APP-2006012018.03.

Similarly, any noise associated with construction of the wetland is principally a district council matter. I have therefore not assessed noise further as part of this application.

115. I understand that since APP-2021203378.00 was granted, the Tangiwai Sawmill has been the only reception site used and that material has been applied for vermicomposting at two properties shown in **Image 1**, being the Murimotu Block (green outline) and Sue Joe's Block (red outline). One of those land application areas adjoins the Pukeatua Farming property, where odour has been the principal issue raised by the submitter.
116. The MyNoke activity is separately consented and is not part of APP-2006012018.03. While there is a geographic relationship through the proximity of the Tangiwai Sawmill and the wider Karioi area, the vermicomposting activity and associated discharge to land occur on separate properties approximately 1.6 kilometres from the WPI pulp mill. I have not identified any aspect of the proposed condensate discharge or construction of the wetland that would alter the MyNoke land application activity or the odour effects associated with that separate consent.
117. Any existing compliance issues associated with the MyNoke consent are therefore matters to be addressed through the monitoring and enforcement of that consent. I have nevertheless considered the matter as part of the context for Submission 19 and the submitter's concerns regarding activities in the wider locality.

Positive effects

118. The proposal would enable the potential productive reuse of an established industrial site. A number of submitters support the application on the basis of the employment, investment, contracting and wider economic benefits that could result from the recommencement of industrial activity at Karioi.
119. Submitters raising these matters include Andrew James Chamley (Submission 7), Gustav Bam (Submission 9), Pure Turoa Limited (Submission 10), Highline Produce Limited (Submission 11), Byfords Readimix Limited (Submission 12), Hamish Blackburn (Submission 13), Electrical Engineering Solutions NZ Limited (Submission 18), Pukeatua Farming Limited (Submission 19) and Steve Dowman (Submission 20).
120. I consider the potential social and economic benefits identified by submitters are relevant positive effects of the proposal. No economic assessment has been provided to quantify those benefits. These effects are relevant to my assessment under section 104(1)(a), but do not offset

or remove the need to separately assess the adverse environmental and cultural effects of the proposal.

Cumulative and long-term effects

121. The Applicant seeks a 20-year term for the discharge permit. The duration sought requires consideration of whether the effects of the activity could accumulate or change over time, particularly given that the proposed torrefaction plant is not yet operating, and the actual characteristics of the condensate discharge have not yet been confirmed.
122. In relation to contaminated land, the principal long-term issue is the continued integrity of the wetland liner and containment system. Mr Blackwell considers that the underlying soils are unlikely to become saturated or contaminants mobilised where the HDPE liner is correctly installed and subject to appropriate quality assurance. He recommends a wetland monitoring, management and aftercare plan that includes leak detection, inspection, maintenance and contingency measures should leakage be identified.
123. In relation to the wastewater discharge, Dr Ausseil concludes that, based on the discharge quantity and quality assessed, the effects on the water quality and aquatic ecology of the Whangaehu River will generally not be detectable and will be no more than minor. He expects those One Plan water quality targets and NPS-FM attribute states that are presently met to remain met, and those that are not met to not be failed to any appreciably greater degree as a consequence of the discharge. His assessment does not rely on any contaminant removal as the condensate passes through the constructed wetland.
124. An important qualification is that Dr Ausseil's conclusions rely on the actual discharge remaining consistent with the quantity and quality assessed. He therefore recommends ongoing measurement of discharge volume and monitoring of the chemical composition of the condensate once the plant is operational. I consider this monitoring, together with appropriate response and review provisions where the actual discharge differs materially from that assessed, is important in managing potential effects over the longer term.
125. Ngā Waihua o Paerangi Trust, on behalf of Ngāti Rangi (Submission 15), has specifically raised cumulative and intergenerational effects. While Dr Ausseil's assessment provides information on the likely cumulative physical effects on water quality and aquatic ecology, I do not consider that this resolves the wider cultural and intergenerational matters raised in relation to Te Waiū-

o-te-Ika. Those matters are considered separately in my assessment of Te Mana Tupua and Ngā Toka Tupua.

126. Based on the technical assessment undertaken by Dr Ausseil, I consider the potential long-term physical effects can be addressed through appropriate monitoring, maintenance, response and review provisions. The cumulative and intergenerational matters raised by Ngāti Rangi have also informed my consideration of the appropriate consent duration, which is addressed separately in Section S of this report.

Effects on Tangata Whenua and Cultural Values

127. The proposed discharge is directly to the Whangaehu River, Te Waiū-o-te-Ika. The proposed wetland and associated earthworks are also located within the Whangaehu catchment. The effects of the proposal on tangata whenua therefore require consideration of both the physical effects of the proposed activities and the relationship of Ngāti Rangi with Te Waiū-o-te-Ika.
128. Ngā Waihua o Paerangi Trust, on behalf of Ngāti Rangi (Submission 15), opposes the application in its present form. Matters raised include Te Waiū-o-te-Ika, Te Mana Tupua and Ngā Toka Tupua, the mauri of the awa, cumulative and intergenerational effects, the proposed consent term and the construction of the wetland over land affected by historic contamination.
129. The constructed wetland forms part of the proposed discharge pathway, with the condensate passing through the wetland prior to discharge to the Whangaehu River. I acknowledge that the wetland was incorporated following earlier engagement with Ngāti Rangi. However, the current submission from Ngā Waihua o Paerangi Trust confirms that the wetland has not resolved the wider concerns raised in relation to the proposal.
130. Mr Blackwell has considered those parts of the Ngā Waihua o Paerangi Trust submission that relate to contaminated land and the proposed wetland. He records that the cultural matters relating to Te Mana Tupua, Te Waiū-o-te-Ika, mauri and kaitiakitanga are outside the scope of his contaminated land assessment.
131. I consider the technical findings in relation to water quality, ecology and contaminated land are relevant to the assessment of cultural effects. They do not, however, determine the cultural effects of the proposal. In particular, a small measurable change in water quality does not necessarily mean the corresponding effect on the relationship of Ngāti Rangi with Te Waiū-o-te-Ika is also small.

132. I assess the statutory requirements relating to Te Waiū-o-te-Ika, Te Mana Tupua and Ngā Toka Tupua separately in Section H of this report. I also expect further evidence from Ngāti Rangi to assist the Hearing Panel in its consideration of these matters.

Conclusion on actual and potential effects

133. Based on Mr Pearce's section 42A report, read together with Mr Blackwell's contaminated land assessment, I consider the potential erosion and sediment effects associated with construction of the wetland can be appropriately managed through conditions. This includes a requirement for the final Erosion and Sediment Control Plan to be consistent with the Remedial Action Plan and the contaminated land management requirements identified by Mr Blackwell.
134. Based on Mr Blackwell's technical assessment, I consider the effects associated with the disturbance and reuse of contaminated soils can be appropriately managed through implementation of the Remedial Action Plan, engineered containment, appropriate liner installation and quality assurance, an unexpected contamination protocol, monitoring, maintenance and aftercare. Mr Blackwell has not identified an additional contaminant discharge pathway arising from the proposed works. Based on his assessment, I have not identified a requirement for a separate Regional Council discharge permit arising from the contaminated land.
135. I have not commissioned a separate groundwater assessment. The constructed wetland is proposed to be fully lined and no operational discharge to groundwater is proposed. Mr Blackwell considers that, provided the liner is correctly installed and appropriately quality assured, the underlying soils are unlikely to become saturated or contaminants remobilised to groundwater. I consider the residual risk of leakage to land or groundwater can be addressed through the wetland design, leak detection, monitoring and aftercare requirements recommended by Mr Blackwell.
136. Ms Simpson's technical memo concludes that, although the torrefaction process creates a process link between the air and water discharges, a detailed assessment of the air discharge is not required to understand the effects of the proposed condensate discharge. Her assessment identifies the combustion temperature, residence time and timber feedstock as relevant to the expected condensate composition. I consider that those process parameters need to be appropriately reflected in the discharge condition framework.

137. Dr Ausseil concludes that, based on the discharge quality and quantity assessed, the effects of the proposed condensate discharge on the water quality of the Whangaehu River will generally not be detectable and will be no more than minor. He also concludes that any consequential effects on aquatic communities and ecology will be no more than minor and does not expect the discharge to result in a conspicuous change in colour or visual clarity or significant adverse effects on aquatic life.
138. Dr Ausseil's conclusions are dependent on the actual discharge remaining consistent with the quantity and quality assessed. As the torrefaction plant is not yet operating, the actual condensate quality is not presently known. I therefore consider that the discharge condition framework needs to include monitoring of discharge volume and composition, together with an appropriate response where the actual discharge differs materially from that assessed.
139. Overall, based on the technical assessments undertaken by Mr Pearce, Mr Blackwell, Ms Simpson and Dr Ausseil, I consider the physical effects associated with the land disturbance and proposed discharge can be appropriately addressed through the management measures and condition framework identified in this report. This conclusion relates to the physical environmental effects of the activities and does not determine the separate assessment of tangata whenua and cultural effects, including the matters relating to Te Waiū-o-te-Ika considered elsewhere in this report.

K. NATIONAL ENVIRONMENTAL STANDARDS

Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007

Regulation 6	Type of activity to which regulations 7 and 8 apply
Regulation 7	Granting of water or discharge permit upstream health criteria met
Regulation 8	Granting of water or discharge permit upstream health criteria not met
Regulation 11	Type of activity which regulation 12 applies
Regulation 12	Condition on resource consent if activity adversely affects

140. The Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (NES-HDW) are relevant to the application.
141. The NES-HDW sets requirements for the protection of registered sources of human drinking water. Regulation 6 provides that Regulations 7 and 8 apply only to activities that have the potential to affect a registered drinking-water supply providing no fewer than 501 people with drinking water for not less than 60 days each calendar year. Regulation 11 provides that

Regulation 12 applies to activities that have the potential to affect a registered drinking-water supply providing no fewer than 25 people for not less than 60 days each calendar year.

142. The nearest registered drinking-water supply to the site comprises Bore IDs 745002 and 745003, two unconfined bores serving the Tangiwai Sawmill. The registered supply population is 120 people, and the bores are located approximately 1,400 m east of the proposed discharge point.
143. Although the Tangiwai Sawmill is not currently operating, it is the closest location of a registered drinking source. It serves fewer than 501 people, therefore Regulations 7 and 8 do not apply to this application.
144. The registered supply for Tangiwai Sawmill serves more than 25 people. Regulation 12 requires consideration of whether the activity may itself lead to, or as a consequence of an event may result in, a significant adverse effect on the quality of water at the abstraction point. Where that test is met and consent is granted, Regulation 12 requires a condition requiring notification of the registered drinking-water supply, in this case Tangiwai Sawmill, as well as the Consent Authority.
145. Given the nature and location of the proposed discharge, the approximately 1,400 m separation from the Tangiwai Sawmill bores, and the proposed condition framework, I do not consider that the activity is likely to result in a significant adverse effect on water quality at the registered bore abstraction points. I therefore consider that the requirements of Regulation 12 are satisfied and that a specific notification condition under that regulation is not required for this application.

Resource Management (National Environmental Standards for Freshwater) Regulations 2020

146. I have considered the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F). The proposed wetland will be deliberately constructed and therefore does not meet the definition of a 'natural inland wetland.' Accordingly, the natural inland wetland provisions do not apply. No other provisions of the NES-F have been identified as applying to the proposed discharge or earthworks. I have, therefore, not considered the NES-F any further in relation to this application.

L. RELEVANT NATIONAL POLICY STATEMENTS – SECTION 104(1)(B)(III)

National Policy Statement for Freshwater Management 2020 (amended 2025)

Policy 1	Te Mana o te Wai
Policy 2	Tangata whenua involvement
Policy 3	Integrated Management
Policy 5	National Objectives Framework
Policy 7	River extent and values
Policy 8	Significant water body values
Policy 9	Habitats of indigenous freshwater species
Policy 10	Habitat of trout and salmon
Policy 12	National target for water quality improvement
Policy 13	Monitoring, degradation and deteriorating trends
Policy 15	Social, economic and cultural wellbeing

147. The National Policy Statement for Freshwater Management (NPS-FM 2020) is relevant to the application. The Applicant has identified⁵ several Policies as being relevant to the proposal.
148. Part 2 of the NPS-FM sets the Policies for freshwater management under the Resource Management Act 1991. Policies 1, 2, 3, 5, 7, 8, 9, 10, 12, 13 and 15 are considered relevant to this application. Part 3 sets out the list of things that local authorities must do to give effect to the Policies in Part 2 of the NPS-FM.

Policy 1

149. Policy 1 requires freshwater to be managed in a way that gives effect to Te Mana o te Wai. Te Mana o te Wai recognises the fundamental importance of water and that protecting the health of freshwater protects the health and wellbeing of the wider environment. It also recognises and protects the mauri of the wai and the relationship between freshwater, the wider environment and communities.
150. The proposed activity involves the discharge of up to 750 m³/day of condensate wastewater to the Whangaehu River, Te Waiū-o-te-Ika. The condensate will pass through the constructed wetland before discharge through the existing outfall. The application includes assessments of the effects of the discharge on water quality and aquatic ecology, together with a separate statutory assessment of Te Waiū-o-te-Ika, Te Mana Tupua and Ngā Toka Tupua.
151. Ngā Waihua o Paerangi Trust, on behalf of Ngāti Rangi (Submission 15), opposes the application in its current form and raises concerns regarding the mauri of Te Waiū-o-te-Ika, cumulative and

⁵ Babbage Consultants Limited, *Resource Consent Application APP-2006012018.02: Planning Report – Karioi Wood Processing* (30 April 2026), Section 8.2, p. 26, incorporated as Document 04 of the APP-2006012018.03 application package

intergenerational effects, the continued discharge of contaminants to the awa and the proposed consent duration. I consider those matters directly relevant to Policy 1.

152. Dr Ausseil has assessed the physical effects of the proposed discharge on the water quality and aquatic ecology of the Whangaehu River. He concludes that, based on the discharge quantity and quality assessed, the effects on water quality will generally not be detectable and will be no more than minor, with consequential effects on aquatic communities and ecology also expected to be no more than minor. His conclusions are dependent on the actual discharge remaining consistent with the quantity and quality assessed and he recommends monitoring once the plant is operational to confirm this.
153. Based on Dr Ausseil's technical assessment, the proposed discharge is not expected to materially diminish the physical health or life-supporting capacity of the Whangaehu River. I do not, however, consider that a technical finding of no more than minor effects on water quality and aquatic ecology determines the wider considerations under Te Mana o te Wai.
154. In particular, the relationship of Ngāti Rangi with Te Waiū-o-te-Ika, the mauri of the awa, and the cumulative and intergenerational matters raised in Submission 15 remain relevant. I consider these matters further in Sections H and O of this report through the Ngāti Rangi Taiao Management Plan and the statutory framework established under the Ngāti Rangi Claims Settlement Act 2019. My consideration of Policy 1 should therefore be read together with those assessments.

Policy 2 – Tangata whenua involvement and Māori freshwater values

155. Policy 2 aims to ensure that Tangata Whenua are actively involved in the management of freshwater and that Māori freshwater values are provided for.
156. Ngāti Rangi has been involved in the consenting process for the Karioi site, including through engagement with the Applicant and the earlier APP-2006012018.02 process. The constructed wetland was incorporated into the revised proposal following engagement with Ngāti Rangi. The Applicant has also provided a separate assessment against the statutory Te Waiū-o-te-Ika framework.
157. Ngā Waihua o Paerangi Trust has nevertheless lodged Submission 15 opposing APP-2006012018.03 in its present form. The submission demonstrates that, notwithstanding the engagement undertaken and changes made to the proposal, concerns remain regarding the effects of the discharge on Te Waiū-o-te-Ika and the values held by Ngāti Rangi.

158. A number of Māori freshwater values relevant to the application have been identified through the application material, the statutory framework applying to Te Waiū-o-te-Ika and the submission from Ngā Waihua o Paerangi Trust on behalf of Ngāti Rangi. The Hearing Panel will also have the benefit of evidence presented by Ngāti Rangi at the hearing.
159. I consider the application process has provided for the involvement of tangata whenua. Whether the proposal itself adequately provides for the identified Māori freshwater values requires consideration alongside Policy 1 and the Ngāti Rangi Claims Settlement Act 2019 and cannot be determined solely by the extent of consultation undertaken.

Policy 3 – Integrated management

160. Policy 3 outlines that freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-catchment basis, including the effects on receiving environments.
161. The application involves both the discharge of condensate to the Whangaehu River and land disturbance associated with construction of the wetland. The assessment therefore needs to consider the relationship between the industrial process generating the condensate, the wetland and associated earthworks, contaminated land, the discharge to the river and the downstream receiving environment.
162. This integrated approach is reflected in the technical assessments undertaken for the application. Mr Pearce's assessment of erosion and sediment control needs to be read together with Mr Blackwell's assessment of contaminated land, particularly in relation to the management of runoff during construction and the need to avoid mobilisation of contaminants. The proposed liner and associated monitoring also provide the relevant connection between the wetland, contaminated land and any potential pathway to groundwater.
163. Ms Jenny Simpson's assessment similarly identifies a relationship between the operating parameters of the torrefaction process and the quality of the condensate ultimately discharged to the river. While the air discharge itself is subject to a separate consenting process, the process parameters relied upon to determine condensate quality are relevant to the current discharge application.
164. I consider the application has been assessed in an appropriately integrated manner and is consistent with the direction in Policy 3.

Policy 5 – National Objectives Framework

165. Policy 5 seeks to ensure that the health and wellbeing of degraded water bodies and freshwater ecosystems is improved and that the health and wellbeing of other water bodies and freshwater ecosystems is maintained and, if communities choose, improved.
166. Dr Ausseil records that the Whangaehu River upstream of the proposed discharge does not currently meet a number of the relevant One Plan water quality targets and is within the lower NPS-FM attribute states for some parameters. He considers, however, that these existing conditions are primarily influenced by natural factors associated with the volcanic source of the River. Dr Ausseil concludes that the effects of the proposed discharge on water quality and aquatic ecology will generally not be detectable and will be no more than minor. He expects those water quality targets and NPS-FM attribute states that are currently met to remain met, and those that are not met to not be failed to any appreciably greater degree as a consequence of the discharge. Based on that technical assessment, I consider the proposal is expected to maintain the physical water quality and ecological condition of the Whangaehu River to the extent assessed. The proposal does not itself provide enhancement of parameters for which relevant targets are not currently met, which I consider further in relation to LF-FW-P7.

Policy 7 – River extent and values

167. Policy 7 requires the loss of river extent and values to be avoided to the extent practicable. The proposal does not involve any reclamation, piping, diversion or other physical modification that would reduce the length or area of the Whangaehu River. There is therefore no loss of river extent.
168. The second component of Policy 7 relates to river values. The relevant values include ecological, cultural and recreational values. Potential effects on these values are addressed elsewhere in this report, including through the assessment of water quality, aquatic ecology, tangata whenua and cultural effects and recreational effects.
169. Dr Ausseil concludes that the effects of the proposed discharge on water quality will generally not be detectable and will be no more than minor, with consequential effects on aquatic communities and ecology also expected to be no more than minor. Based on those findings, I consider the proposal will not result in the loss of river extent and is not expected to materially affect the ecological or recreational values of the Whangaehu River. The effects on cultural values are considered separately in this report.

Policy 8 – Significant water body values

170. Policy 8 requires the significant values of outstanding water bodies to be protected. I have not identified the reach of the Whangaehu River affected by this application as an outstanding water body for the purposes of the NPS-FM. I therefore do not consider Policy 8 requires further assessment in relation to this application.

Policy 9 – Habitats of indigenous freshwater species

171. Policy 9 requires the habitats of indigenous freshwater species to be protected. The application does not involve physical works within the bed of the Whangaehu River or alteration of the existing outfall. The relevant potential effect is therefore whether the proposed discharge could adversely affect habitat through changes in water quality or other receiving environment conditions.
172. Dr Ausseil concludes that, based on the discharge quantity and quality assessed, consequential effects on aquatic communities and ecology will be no more than minor and that significant adverse effects on aquatic life are not expected. Based on that technical assessment, I consider the proposed discharge is not expected to adversely affect habitat for indigenous freshwater species and is consistent with Policy 9.

Policy 10 – Habitat of trout and salmon

173. Policy 10 requires the habitat of trout and salmon to be protected, insofar as this is consistent with Policy 9. As with Policy 9, the proposal does not involve any physical alteration of river habitat. The relevant issue is whether habitat quality could be affected through changes in the receiving water environment.
174. Dr Ausseil concludes that the effects of the proposed discharge on water quality will generally not be detectable and will be no more than minor, with consequential ecological effects also expected to be no more than minor. Based on that technical assessment, I consider the proposal is not expected to adversely affect trout or salmon habitat and is consistent with Policy 10.

Policy 12

175. Policy 12 requires achievement of the national target for water quality improvement set out in Appendix 3 of the NPS-FM. The national target relates to improving the proportion of specified rivers and lakes that are suitable for primary contact, based on the relevant human contact attributes.

176. Dr Ausseil records that *E. coli* concentrations upstream of the proposed discharge meet the relevant One Plan water quality target and are within NPS-FM Band A. He does not expect the proposed discharge to result in an appreciable change to the relevant water quality targets or NPS-FM attribute states. Based on that technical assessment, I consider the proposed discharge is not expected to impede achievement of the national target in Policy 12.

Policy 13 – Monitoring, degradation and deteriorating trends

177. Policy 13 requires the condition of water bodies and freshwater ecosystems to be systematically monitored over time, with action taken where freshwater is degraded and to reverse deteriorating trends.
178. The proposed torrefaction plant is not yet operating, and the actual characteristics of the future condensate discharge are therefore not known. Dr Ausseil considers monitoring of the discharge to be important to confirm that the quantity and quality assumptions relied upon in his assessment are achieved in practice. He recommends continuous monitoring of discharge volume together with regular monitoring of the chemical composition of the condensate following commissioning.
179. Dr Ausseil does not consider routine in-river monitoring necessary from a technical perspective, given his conclusion that the effects of the proposed discharge on water quality will generally not be detectable and will be no more than minor. The Whangaehu River is also subject to existing Regional Council water quality monitoring, including the monitoring data relied upon by Dr Ausseil in establishing the existing receiving environment.
180. Should the Hearing Commissioners determine that the discharge permit can be granted, the condition framework provided in **Appendix A** includes monitoring intended to confirm that the actual discharge remains consistent with that assessed, together with an appropriate response where a material difference is identified. I consider that framework provides a basis for addressing the monitoring matters relevant to Policy 13. It is provided to assist the Hearing Commissioners and does not represent a recommendation on whether consent should be granted.

Policy 15 – Social, economic and cultural wellbeing

181. Policy 15 seeks to ensure that communities are enabled to provide for their social, economic, and cultural wellbeing in a manner that is consistent with the NPS-FM. In this case, the proposal would enable the proposed reuse of the Karioi industrial site and has the potential to provide

employment, investment and associated economic benefits to the local and regional community. These matters are reflected in a number of submissions supporting the application.

182. Policy 15 does not, however, provide for social or economic wellbeing independently of the remaining provisions of the NPS-FM. The ability to provide for those benefits must be consistent with the freshwater management direction contained in the NPS-FM.
183. Cultural wellbeing is also directly relevant. Ngā Waihua o Paerangi Trust (Submission 15) raises concerns regarding the effect of the proposal on Te Waiū-o-te-Ika, the relationship of Ngāti Rangī with the awa and the ability to provide for future generations.
184. I consider that the potential social and economic benefits of the proposal are relevant to the matters recognised by Policy 15. Whether the proposal as a whole is consistent with this policy also depends on the conclusions reached in relation to cultural effects.

Conclusion

185. On the information currently available, I consider the proposal is consistent with the integrated management direction in Policy 3 and will not result in any loss of river extent under Policy 7. The technical assessments also indicate that the proposed discharge is not expected to materially affect the ecological values addressed by Policies 9 and 10 or impede the water quality outcomes addressed by Policy 12. The proposal also has the potential to provide for the social and economic wellbeing matters recognised by Policy 15. My overall conclusion on the NPS-FM, including the cultural aspects of Policies 1, 7 and 15, is informed by the assessment of tangata whenua and cultural effects addressed elsewhere in this report.

M. REGIONAL ONE PLAN POLICY STATEMENT – SECTION 104(1)(B)(V)

186. I have assessed the application against the relevant policies of the Regional Policy Statement. For the most part these are included with the Applicant's assessment⁶ and are not repeated in full. Rather the following is an assessment of the proposal against the relevant Objectives and Policies.

Te Ao Māori Chapter

⁶ Babbage Consultants Limited, *Resource Consent Application APP-2006012018.02: Planning Report – Karioi Wood Processing* (30 April 2026), Section 8.3.1, p. 28, incorporated as Document 04 of the APP-2006012018.03 application package

Te Ao Maori		
RMIA-O1 Resource management	RMIA-P1	Iwi involvement
	RMIA-P2	Wāhi tapu, wāhi tūpuna and other sites of significance
	RMIA-P3	The mauri of water
	RMIA-P4	Other resource management issues

187. The Resource Management Issues of Significance to Iwi Authorities provisions of the Regional Policy Statement recognise the relationship of hapū and iwi with natural and physical resources and identify a number of resource management issues of significance to tangata whenua. The provisions relevant to the application are Objective RMIA-O1 and Policies RMIA-P1 to RMIA-P4.
188. RMIA-O1 has two parts. The first requires regard to be had to the mauri of natural and physical resources to enable hapū and iwi to provide for their social, economic and cultural wellbeing. The second requires particular regard to kaitiakitanga and recognition and provision for the relationship of hapū and iwi with ancestral lands, water, sites, wāhi tapu and other taonga through resource management processes.
189. These matters are particularly relevant to this application because the proposed discharge is directly to the Whangaehu River, Te Waiū-o-te-Ika. The relationship of Ngāti Rangi with Te Waiū-o-te-Ika is also expressly recognised through the Ngāti Rangi Claims Settlement Act 2019 and the associated Te Mana Tupua and Ngā Toka Tupua framework.
190. Ngā Waihua o Paerangi Trust, on behalf of Ngāti Rangi (Submission 15), opposes the application in its current form. The submission raises concerns regarding the mauri of Te Waiū-o-te-Ika, the continued discharge of contaminants to the awa, cumulative and intergenerational effects, the proposed consent duration and the ability of Ngāti Rangi to exercise kaitiakitanga.
191. I consider that the application process has provided opportunities for Ngāti Rangi to participate and for its relationship with Te Waiū-o-te-Ika to be identified. However, whether the proposal itself is consistent with RMIA-O1 requires consideration of more than the process of engagement. It also requires consideration of the effects of the proposed discharge on the mauri of the awa and on the relationship of Ngāti Rangi with Te Waiū-o-te-Ika.
192. Dr Ausseil identifies Mauri as an area-wide value applying to the Upper Whangaehu Water Management Sub-area. His technical assessment concludes that the effects of the proposed

discharge on water quality will generally not be detectable and will be no more than minor, with consequential effects on aquatic communities and ecology also expected to be no more than minor. Those findings are relevant to the physical health of the awa, but do not determine the effects on mauri or on the relationship of Ngāti Rangī with Te Waiū-o-te-Ika.

193. RMIA-P1 requires the Regional Council to enable and foster kaitiakitanga and the relationship between hapū and iwi and their ancestral lands, water, sites, wāhi tapu and other taonga through increased involvement in resource management processes. The policy identifies a number of mechanisms, including having regard to iwi management plans, involvement in resource consent processes and encouraging applicants to consult directly with hapū and iwi where this is necessary to identify relevant relationships and the effects of proposed activities on those relationships.
194. Ngāti Rangī has been involved in the consenting process for the Karioi site, including through the earlier APP-2006012018.02 process, engagement with the Applicant and its submission on APP-2006012018.03. The current application also includes a specific assessment of Te Waiū-o-te-Ika and the statutory framework established under the Ngāti Rangī Claims Settlement Act 2019.
195. Changes have been made to the proposal following earlier engagement with Ngāti Rangī, including the inclusion of the constructed wetland within the discharge pathway.
196. Notwithstanding the engagement undertaken and changes made to the proposal, Submission 15 confirms that concerns remain. For the purpose of RMIA-P1, I consider the consent process has provided opportunities for Ngāti Rangī participation. The substantive concerns raised by Ngāti Rangī remain relevant to the assessment of the other RMIA provisions and the overall merits of the application.
197. RMIA-P2 seeks to protect identified wāhi tapu, wāhi tūpuna and other sites of significance from inappropriate subdivision, use or development that would adversely affect the qualities and features contributing to their values. It also provides for the protection of sites that have not been publicly identified and requires clear procedures where wāhi tapu or wāhi tūpuna are discovered.
198. The application does not involve works within the bed of the Whangaehu River and the discharge will continue to use the existing outfall. The proposed earthworks are associated with construction of the wetland within the existing industrial site.

199. The Tangiwai Rail Memorial, located approximately 450 metres east of the proposed wetland, has been identified as a site of cultural significance in the material before me. Based on the information presently available to me, I have not identified any recorded wāhi tapu, wāhi tūpuna or other site of significance within the proposed earthworks footprint.
200. Notwithstanding this, as a precaution I consider that an accidental discovery protocol should apply during the earthworks. I have not identified any physical disturbance of a known wāhi tapu, wāhi tūpuna or other site of significance to which RMIA-P2(1) applies.
201. RMIA-P3 specifically addresses the mauri of water. It requires the Regional Council to have regard to the mauri of water through implementation of the mechanisms in RMIA-P1. I consider RPS-RMIA-P3 to be directly relevant to the application.
202. The proposal involves the ongoing discharge of condensate wastewater directly to Te Waiū-o-te-Ika for a term of 20 years. The effect of that discharge on the mauri of the awa is therefore a matter that requires specific consideration.
203. The One Plan itself identifies contaminants entering water as a matter capable of affecting the ability of mauri to perform its role in maintaining the life-supporting qualities of water. Table 2 of the RPS-RMIA chapter also identifies the management of water quality and quantity in a manner that does not provide for qualities significant to Māori as a resource management issue of significance to hapū and iwi.
204. Ngā Waihua o Paerangi Trust has expressly raised the mauri of Te Waiū-o-te-Ika in Submission 15. I consider that concern needs to be considered alongside the physical water quality and ecological effects.
205. Dr Ausseil concludes that, based on the discharge quantity and quality assessed, the effects on the water quality of the Whangaehu River will generally not be detectable and will be no more than minor, with consequential ecological effects also expected to be no more than minor. He expects water quality targets and NPS-FM attribute states that are presently met to remain met, and those that are not met to not be failed to any appreciably greater degree as a consequence of the discharge. While these findings are relevant to the physical effects of the discharge, I do not consider that they determine the effect of the discharge on the mauri of Te Waiū-o-te-Ika.

206. RPS-RMIA-P4 requires the specific resource management issues identified by hapū and iwi in the RPS-RMIA chapter to be addressed in the manner identified in Table 2 of the RPS-RMIA chapter. Table 2 is therefore relevant to the assessment rather than RPS-RMIA-P4 operating as a general policy relating only to mauri.
207. Of the matters identified in Table 2 of the RPS-RMIA chapter, I consider the following are particularly relevant to the application:
- (a) management of water quality in a manner that provides for qualities significant to Māori, including mauri;
 - (b) the effects of contaminants entering water;
 - (c) adverse effects of land use on traditional food gathering areas, native habitats and ecosystems;
 - (d) the potential removal, destruction or alteration of wāhi tapu and wāhi tūpuna;
 - (e) threats to indigenous flora and fauna from human activities and
 - (f) the adequacy of monitoring and enforcement of environmental standards and resource consent conditions.
208. The water quality, ecological and cultural matters identified in (a) to (c) and (e) are considered elsewhere in this report. Dr Ausseil concludes that the physical effects of the proposed discharge on water quality and aquatic ecology will be no more than minor, provided the actual discharge remains consistent with the quantity and quality assessed. As discussed above, those technical findings do not determine the cultural effects associated with the discharge. The potential for disturbance of wāhi tapu or wāhi tūpuna is addressed above in relation to RPS-RMIA-P2.
209. In relation to monitoring, I consider this is particularly relevant given that the proposed torrefaction plant is not yet operating and the assessment is therefore based in part on predicted condensate quality. Should the Hearing Commissioners determine that the discharge permit can be granted, the condition framework provided in Appendix A includes monitoring intended to confirm that the actual discharge is consistent with that assessed and to provide an appropriate response where a material difference is identified. The framework is provided to assist the Hearing Commissioners and does not represent a recommendation on whether consent should be granted.
210. The monitoring and management of the constructed wetland and underlying contaminated land are also relevant. Mr Blackwell has recommended appropriate liner quality assurance,

leak detection, monitoring and aftercare. These measures provide a mechanism for identifying any failure of the containment system and responding before a significant contaminant pathway develops.

211. Based on the technical assessments, the physical water quality and ecological effects relevant to the matters identified in Table 2 of the RPS-RMIA chapter are expected to be no more than minor, and the potential contaminated land pathway can be managed through the proposed liner and associated monitoring and management measures. However, RPS-RMIA-P4 also requires consideration of the resource management issues identified by hapū and iwi. The concerns raised by Ngā Waihua o Paerangi Trust regarding mauri, cumulative and intergenerational effects and the continued discharge of contaminants to Te Waiū-o-te-Ika therefore remain relevant to my assessment of this policy.

Conclusion

212. The proposal has been subject to engagement with Ngāti Rangi and the application material identifies the particular relationship of Ngāti Rangi with Te Waiū-o-te-Ika. I consider the consent process has provided opportunities for Ngāti Rangi participation.
213. There remain substantive matters under RPS-RMIA-O1, RPS-RMIA-P3 and RPS-RMIA-P4 concerning the mauri of Te Waiū-o-te-Ika and the effects of the proposed discharge on the relationship of Ngāti Rangi with the awa. These matters are raised directly by Ngā Waihua o Paerangi Trust in Submission 15.
214. I do not consider it appropriate to reach an overall conclusion on consistency with the RPS-RMIA provisions until I have considered the evidence presented by Ngāti Rangi. These provisions must also be read alongside the separate statutory requirements relating to Te Waiū-o-te-Ika, Te Mana Tupua and Ngā Toka Tupua addressed in Section H of this report.

Land and Freshwater Chapter

<u>Land and Freshwater Chapter - Land</u>			
LF-LAND-O2	Regulating potential causes of accelerated erosion	LF-LAND-P2	Regulation of land use activities
		LF-LAND-P3	Supporting codes of practice, standards and guidelines

215. The proposed earthworks associated with construction of the wetland extend over approximately 17,146 m² and involve approximately 10,447 m³ of cut and 9,994 m³ of fill. The potential effects relevant to the Land provisions of the Regional Policy Statement are

accelerated erosion, sediment generation and the potential discharge of sediment from the earthworks area.

216. LF-LAND-P2 requires the Regional Council to regulate land disturbance and other identified land use activities so as to minimise the risk of accelerated erosion and the discharge of sediment to water. LF-LAND-P3 supports the use of relevant codes of practice, standards and guidelines to assist in achieving appropriate land management outcomes.
217. Mr Kerry Pearce has assessed the earthworks and erosion and sediment control aspects of the application. He considers the Greater Wellington Regional Council *Erosion and Sediment Control Guide for Land Disturbing Activities in the Wellington Region*, dated February 2021, to represent current industry best practice and considers its use to be consistent with the One Plan (2026).
218. Mr Pearce considers that the proposed erosion and sediment control measures are capable of appropriately managing sediment generated during construction. He has identified some matters requiring further detail through the final Erosion and Sediment Control Plan, including stabilisation, dewatering, monitoring and the interaction between the erosion and sediment control measures and the contaminated land management requirements.
219. In particular, the proposed containment and infiltration of runoff within the earthworks area needs to be considered together with the contaminated land assessment undertaken by Mr James Blackwell. Mr Blackwell considers that the underlying contaminated and potentially contaminated soils should remain unsaturated so that contaminants are not mobilised to groundwater, and that this can be achieved where the proposed liner and associated controls are appropriately installed and managed.
220. I consider the assessments of Mr Pearce and Mr Blackwell need to be read together. The final Erosion and Sediment Control Plan must be consistent with the Remedial Action Plan and must not include measures that would result in the saturation or mobilisation of contaminated soils.
221. Subject to these matters being addressed through appropriate consent conditions, Mr Pearce concludes that the erosion, sediment and associated water quality effects can be appropriately managed and will be less than minor.
222. On the basis of Mr Pearce's assessment, I consider that the proposed earthworks can be undertaken in a manner that minimises accelerated erosion and sediment discharge and is

therefore consistent with LF-LAND-O2 and LF-LAND-P2. The use of the Greater Wellington erosion and sediment control guidelines, together with the requirement for a final Erosion and Sediment Control Plan, is also consistent with LF-LAND-P3.

<i>Land and Freshwater Chapter - Freshwater</i>			
LF-FW-O3	Water management values	LF-FW-P4	Water management areas and values
LF-FW-O4	Water quality	LF-FW-P5	Water quality targets
		LF-FW-P6	Ongoing compliance where water quality targets are met
		LF-FW-P7	Enhancement where water quality targets are not met

Freshwater

223. LF-FW-O3 seeks to ensure that surface water bodies and their beds are managed in a manner that safeguards their life-supporting capacity and recognises and provides for the Values identified in RP-SCHED2. LF-FW-O4 requires surface water quality to be maintained where it is sufficient to support the RP-SCHED2 Values and enhanced where existing water quality is not sufficient to support those Values. LF-FW-O4 also seeks to maintain existing groundwater quality or enhance it where it has been degraded as a result of human activity.
224. LF-FW-P4 establishes the Water Management Area framework and requires rivers and lakes and their beds to be managed in a manner that safeguards their life-supporting capacity and recognises and provides for the RP-SCHED2 Values when decisions are made on avoiding, remedying or mitigating adverse effects.
225. The proposed discharge is to the Whangaehu River within the Upper Whangaehu Water Management Sub-Area (Whau_1a). The relevant RP-SCHED2 area-wide Values include Life Supporting Capacity – Upland Volcanic Acidic, Aesthetics, Mauri, Contact Recreation, Industrial Abstraction, Irrigation, Stockwater, Existing Infrastructure and Capacity to Assimilate Pollution. Dr Ausseil confirms that none of the reach-specific Values identified in RP-SCHED2 for this sub-area apply to the reach of the Whangaehu River at, or near, the proposed discharge point.
226. The Applicant considers that the proposed discharge will not materially alter the existing state of the Whangaehu River or adversely affect the identified RP-SCHED2 Values. In reaching that conclusion, the Applicant relies on the relatively small discharge volume, the predicted receiving water concentrations and its assessment of ecological effects.

227. I have not relied on the constructed wetland providing any treatment of the condensate. The Applicant's assessment and Dr Ausseil's review are based on the quality of the condensate before it passes through the wetland. I have therefore treated the wetland as part of the discharge pathway rather than as a treatment system.
228. Ngā Waihua o Paerangi Trust, on behalf of Ngāti Rangi (Submission 15), raises concerns regarding the ongoing discharge of contaminants to Te Waiū-o-te-Ika, including effects on mauri and the cumulative and intergenerational effects of the proposal. Those matters are relevant to the Mauri Value identified in RP-SCHED2 and to my consideration of LF-FW-O3 and LF-FW-P4. I consider these matters further in Sections H and O of this report.
229. Dr Ausseil concludes that, based on the discharge quantity and quality assessed, the effects of the proposed discharge on water quality will generally not be detectable and will be no more than minor, with consequential effects on aquatic communities and ecology also expected to be no more than minor. He expects the One Plan water quality targets that are currently met upstream of the discharge to remain met downstream. Those that are currently not met are expected to continue not to be met, but not by any appreciably greater degree as a consequence of the discharge.
230. The groundwater component of LF-FW-O4 has been considered in relation to the proposed constructed wetland. No discharge of condensate to groundwater is proposed. The wetland is to be lined with a high-density polyethylene liner and Mr Blackwell considers that, provided the liner is appropriately installed and quality assured, seepage will be near zero and the risk of mobilisation of contaminants from the underlying soils will be low.
231. Mr Blackwell has not identified an additional contaminant discharge pathway arising from the proposed works. Based on his assessment, I have not identified a requirement for a separate Regional Council discharge permit arising from the contaminated land. Subject to implementation of the Remedial Action Plan, liner quality assurance, leak detection and monitoring requirements, I consider the groundwater component of LF-FW-O4 can be appropriately addressed.
232. Based on Dr Ausseil's technical assessment, I consider the proposed discharge is not expected to materially diminish the life-supporting capacity of the Whangaehu River or adversely affect those RP-SCHED2 Values that depend on its physical water quality and ecological condition. In relation to LF-FW-O4, the proposal is expected to maintain those water quality targets that are currently met and not appreciably worsen those that are not met. The proposal does not itself

provide enhancement of those parameters for which the relevant water quality targets are presently not achieved. The Mauri Value and the wider relationship of Ngāti Rangi with Te Waiū-o-te-Ika are considered separately in this report and remain relevant to my overall assessment of LF-FW-O3 and LF-FW-P4.

Water quality targets

233. LF-FW-P5 identifies the water quality targets in RP-SCHED5 for each Water Management Sub-Area and requires those targets to inform the management of surface water quality through LF-FW-P6, LF-FW-P7 and LF-FW-P8.
234. LF-FW-P6 applies where existing water quality meets a relevant RP-SCHED5 water quality target. In those circumstances, water quality must be managed so that the relevant target continues to be met beyond the zone of reasonable mixing. LF-FW-P7 applies where an existing water quality target is not met and requires water quality to be managed in a manner that enhances existing water quality in order to meet the relevant RP-SCHED5 target and/or the RP-SCHED2 Value and management objective that the target is intended to safeguard.
235. These policies require consideration of the existing water quality against each relevant RP-SCHED5 target. LF-FW-P6 may therefore apply to those parameters for which the target is currently met, while LF-FW-P7 applies to those parameters for which the relevant target is not met.
236. The Applicant identifies that existing water quality in the Whangaehu River does not meet a number of relevant water quality targets. Of particular relevance, the Applicant's assessment predicts increases in ammoniacal nitrogen and nitrate concentrations as a consequence of the proposed discharge. The Applicant considers those increases to be modest and notes that they do not result in a change to the applicable National Policy Statement for Freshwater Management attribute bands.
237. In its assessment of LF-FW-P7, the Applicant acknowledges that the proposal does not provide sufficient enhancement to remedy the existing Schedule 5 exceedances but considers that it is broadly consistent with the policy because it will not materially worsen water quality or further constrain the RP-SCHED2 Values.
238. I consider that the absence of a change in an NPS-FM attribute band does not, of itself, determine consistency with LF-FW-P7. The policy contains a specific direction to enhance

existing water quality where a relevant RP-SCHED5 target is not met. The effect of an additional contaminant load on a parameter that does not presently meet its target therefore requires specific consideration against that policy direction.

239. Dr Ausseil records that the RP-SCHED5 targets for ammoniacal nitrogen and E. coli are currently met upstream of the proposed discharge, while the targets for soluble inorganic nitrogen, dissolved reactive phosphorus, pH and visual clarity are not met. He concludes that the effects of the proposed discharge on the One Plan water quality targets will be no more than minor. In practical terms, he expects targets that are met upstream to continue to be met downstream, while those that are not met will continue not to be met, but not by any appreciably greater degree as a consequence of the discharge.
240. Based on Dr Ausseil's assessment, I consider the proposal is consistent with the maintenance direction in LF-FW-P6. In relation to LF-FW-P7, the proposal does not itself provide the enhancement sought by the policy for those parameters where the relevant target is not currently met. However, Dr Ausseil's assessment indicates that the discharge would not cause those targets to be failed to any appreciably greater degree. I consider this is an important distinction in assessing the proposal against LF-FW-P7 and have taken it into account in my overall assessment of the Regional Policy Statement provisions.

N. REGIONAL ONE PLAN – SECTION 104(1)(B)(VI)

Land			
LF-LAND-O1	Accelerated erosion: regulation of vegetation clearance, land disturbance, forestry and cultivation	LF-LAND-P1	Regional rules for vegetation clearance, land disturbance, forestry and cultivation
		LF-LAND-P2	Consent decision-making for vegetation clearance, land disturbance, forestry and cultivation

241. LF-LAND-O1 seeks to regulate land disturbance in a manner that avoids accelerated erosion and associated damage as far as reasonably practicable or otherwise remedies or mitigates those effects. It also seeks to avoid increased sedimentation of waterbodies as far as reasonably practicable or otherwise mitigate that effect. LF-LAND-P1 gives effect to this objective by requiring large-scale land disturbance to be regulated through the Regional Plan. LF-LAND-P2 provides the specific consent decision-making framework for activities requiring consent under LF-LAND-R6, including consideration of erosion and sediment control plans,

sediment control measures, relevant guidelines and effects on surface water quality and aquatic ecology.

242. The proposed wetland construction involves approximately 17,146 m² of land disturbance and is a controlled activity under LF-LAND-R6. The rule requires the works to be undertaken in accordance with an Erosion and Sediment Control Plan and reserves control over, amongst other matters, the effects of the activity and associated sediment runoff on soil conservation, surface water quality and aquatic ecology.
243. Mr Kerry Pearce has assessed the earthworks and erosion and sediment control aspects of the application. He considers that the proposed controls are capable of appropriately managing erosion and sediment effects, subject to further detail being provided in the final Erosion and Sediment Control Plan. The outstanding matters identified by Mr Pearce include stabilisation, dewatering, monitoring and the relationship between the erosion and sediment control methodology and the contaminated land management requirements.
244. Mr Pearce's assessment needs to be read together with the memorandum prepared by Mr James Blackwell. Mr Blackwell has considered the disturbance and reuse of soils within the proposed wetland footprint and the measures proposed through the Remedial Action Plan and subsequent installation of the high-density polyethylene liner. Importantly, the erosion and sediment control methodology must not result in the saturation or mobilisation of contaminated material in a manner that is inconsistent with the approach assessed by Mr Blackwell.
245. I consider the proposed earthworks are consistent with LF-LAND-O1 and LF-LAND-P1. The application of LF-LAND-R6 provides the regulatory mechanism anticipated by those provisions for large-scale earthworks.
246. In relation to LF-LAND-P2, based on Mr Pearce's assessment, read together with the advice of Mr Blackwell, and subject to the recommended conditions, including a final Erosion and Sediment Control Plan that is consistent with the Remedial Action Plan, I consider erosion and sediment effects can be appropriately managed. I therefore consider the proposal is consistent with LF-LAND-P2.

Water			
LF-LW-O2	Management of discharges to land and water and land uses affecting	LF-LW-P4	Consent decision-making for discharges to water

groundwater and surface water quality	LF-LW-P6	Industry-based standards
	LF-LW-P7	Options for discharges to surface water and land
	LF-LW-P11	Monitoring requirements for consent holders
	LF-LW-P12	Consent decision-making requirements from the National Policy Statement for Freshwater Management

247. LF-LW-O2 seeks to manage discharges to land and water in a manner that safeguards the life-supporting capacity of water, recognises and provides for the Values and management objectives in RP-SCHED2 and provides for the surface water and groundwater quality objectives and policies of the Regional Policy Statement.
248. The application seeks to discharge up to 750 m³/day of condensate wastewater to the Whangaehu River through the existing outfall. The condensate will first pass through the constructed wetland. For the purposes of my assessment, I have not relied on the wetland as a treatment system.
249. The Applicant considers that the proposed discharge will not materially worsen existing water quality or compromise the identified freshwater values. Dr Olivier Ausseil has assessed the effects of the proposed discharge on water quality and aquatic ecology on behalf of the Regional Council.
250. Dr Ausseil concludes that, based on the discharge quantity and quality assessed, the effects on water quality will generally not be detectable and will be no more than minor. He also considers that any consequential effects on aquatic communities and ecology will be no more than minor. His conclusions are dependent on the actual discharge remaining consistent with the quantity and quality assessed.
251. The groundwater component of LF-LW-O2 has also been considered. No discharge of condensate to groundwater is proposed. Mr Blackwell has not identified an additional contaminant discharge pathway arising from the proposed works. Based on his assessment, I have not identified a requirement for a separate Regional Council discharge permit arising from the contaminated land.
252. Based on the assessments of Dr Ausseil and Mr Blackwell, I consider the physical surface water and groundwater effects relevant to LF-LW-O2 can be appropriately addressed. The Mauri

Value and the relationship of Ngāti Rangi with Te Waiū-o-te-Ika are considered separately in this report.

253. LF-LW-P4 is directly relevant to the proposed discharge. The policy requires the Regional Council to specifically consider the applicable Regional Policy Statement freshwater provisions and to have regard to the avoidance of persistent contaminants that are likely to accumulate in a waterbody or its bed, the appropriateness of adopting the best practicable option in specified circumstances and other relevant Regional Policy Statement and Regional Plan provisions.
254. Ms Jenny Simpson has separately considered the relationship between operation of the torrefaction process and condensate quality. Her assessment identifies the feedstock and Torr Gas burner operating parameters that underpin the condensate quality relied upon in the application. I consider those matters relevant to ensuring that the discharge actually generated remains within the scope of that assessed.
255. Dr Ausseil has relied on Ms Simpson's advice when considering the likely characteristics of the condensate. As the plant is not yet operating, he recommends monitoring of the actual discharge following commissioning to confirm that the quantity and quality remain consistent with those relied upon in his assessment.
256. Should the Hearing Commissioners determine that the discharge permit can be granted, the condition framework in **Appendix A** includes provisions relating to discharge quantity, quality and monitoring. I consider these matters relevant to the assessment under LF-LW-P4.
257. LF-LW-P6 recognises that relevant industry-based standards, guidelines and codes of practice may represent current best practice and may be accepted as sufficient to avoid, remedy or mitigate adverse effects to the extent that they address the matters contained in the relevant discharge policies.
258. I have not identified a specific industry standard, guideline or code of practice for torrefaction condensate discharges that is relevant to this application. Therefore, I have not considered LF-LW-P6 any further.
259. LF-LW-P7 requires applicants and decision-makers to consider opportunities to utilise alternative discharge options, or a mix of discharge regimes, to mitigate adverse effects and apply the best practicable option. The options identified in the policy include discharge to land

rather than water, withholding discharges during low-flow conditions and adopting different treatment or discharge options for different receiving environments or flow regimes.

260. The Applicant has considered alternative methods of discharge. The current proposal is for discharge to the Whangaehu River, with the condensate passing through the constructed wetland before reaching the existing outfall. The Applicant has also acknowledged that, given the reduced volume now proposed, the future viability of a land discharge option could be investigated.
261. I consider the alternative discharge matters in LF-LW-P7 substantially overlap with the matters that the Hearing Commissioners are required to have regard to under section 105(1)(b) and (c) of the Act. I address those alternatives further in Section P.
262. LF-LW-P11 establishes specific monitoring expectations for point source discharges to water. For discharges of 100 m³/day or greater it provides for a pulse-count capable meter, and for discharges of 300 m³/day or greater a Regional Council compatible telemetry system. The policy also provides for monitoring and reporting of discharge quality and receiving water quality upstream and downstream of the discharge, where required.
263. The proposed maximum discharge of 750 m³/day exceeds the 300 m³/day threshold. The condition framework in Appendix A therefore provides for measurement and telemetry of discharge volumes in accordance with LF-LW-P11.
264. Monitoring of discharge quality is particularly relevant in this case because the proposed torrefaction plant is not yet operating and the assessment necessarily relies on predicted condensate characteristics. Dr Ausseil recommends monitoring of the actual discharge following commissioning. He does not consider routine receiving water monitoring necessary from a technical perspective, given the scale of the effects he predicts.
265. Should the Hearing Commissioners determine that the discharge permit can be granted, I consider the monitoring and telemetry matters relevant to LF-LW-P11 can be addressed through the condition framework in **Appendix A**.
266. LF-LW-P12 applies to a new discharge, or a change or increase in a discharge, of contaminants into freshwater. APP-2006012018.03 is a new application for the proposed condensate discharge and I consider this policy applies.

267. The policy requires the Regional Council to have regard to the extent to which the discharge avoids contamination that will have an adverse effect on the life-supporting capacity of freshwater and associated ecosystems, and the extent to which it is feasible and dependable that any more than minor adverse effect on freshwater and associated ecosystems will be avoided. It also addresses adverse effects on the health of people and communities arising from secondary contact with freshwater.
268. Dr Ausseil concludes that the effects of the proposed discharge on water quality will generally not be detectable and will be no more than minor, with consequential effects on aquatic communities and ecology also expected to be no more than minor. He does not expect the discharge to result in significant adverse effects on aquatic life. These findings are relevant to my assessment of LF-LW-P12.
269. The public health and recreational aspects are also relevant. Health New Zealand does not expect the condensate discharge to result in an increased microbiological health risk, while the matters raised by Graeme Curwen (Submission 14) regarding recreational use of the Whangaehu River are addressed separately in this report.

CONCLUSION

270. I consider the proposed earthworks are consistent with LF-LAND-O1, LF-LAND-P1 and LF-LAND-P2, subject to the conditions recommended by Mr Pearce and the contaminated land requirements identified by Mr Blackwell.
271. Based on Mr Blackwell's advice, I consider that the potential groundwater pathway associated with the constructed wetland can be appropriately managed through the engineered liner, quality assurance and monitoring measures identified by Mr Blackwell. Based on Mr Blackwell's assessment, I have not identified a requirement for a separate Regional Council discharge permit arising from the contaminated land.
272. I consider the matters relevant to LF-LW-P4, LF-LW-P6 and LF-LW-P7 have been considered through the application and technical assessments. Should the Hearing Commissioners determine that the discharge permit can be granted, the condition framework in Appendix A is provided to assist in addressing the monitoring and other matters arising under LF-LW-P11.
273. Based on Dr Ausseil's section 42A assessment, I consider the physical water quality and aquatic ecology matters relevant to LF-LW-O2, LF-LW-P4 and LF-LW-P12 can be appropriately

addressed, provided the actual discharge remains consistent with the quantity and quality assessed. I also consider the monitoring framework proposed under LF-LW-P11 should reflect Dr Ausseil's recommendations for verification of the actual discharge following commissioning, including an appropriate response where the discharge differs materially from that assessed.

274. My assessment of these provisions should also be read alongside the separate assessment of tangata whenua and cultural effects, including the matters relating to Te Waiū-o-te-Ika, Te Mana Tupua and Ngā Toka Tupua.

O. OTHER MATTERS – SECTION 104(1)(C)

Ngāti Rangi Taiao Management Plan 2014

275. The Ngāti Rangi Taiao Management Plan 2014 sets out the environmental values, objectives, policies and expectations of Ngāti Rangi within its rohe. The purpose of the Plan is to provide a framework through which Ngāti Rangi can fulfil its role as tāngata tiaki and participate in resource management decision-making. The Plan is considered to be a relevant matter under section 104(1)(c) of the Act.
276. Two parts of the Taiao Management Plan are particularly relevant to the application. Te Pou Tuarua: Papa-tū-ā-nuku addresses the use and management of land, including earthworks, soil contamination and erosion and sedimentation. Te Pou Tuawhā: Tangaroa-i-te-wai-māori addresses freshwater, including water quality and point and non-point source discharges. The Plan recognises the interconnection between these matters and the wider wellbeing of Ngāti Rangi.
277. In relation to the proposed earthworks, the Taiao Management Plan seeks to ensure that sediment does not enter adjacent waterways and provides for the use of an accidental discovery protocol. Mr Kerry Pearce has assessed the proposed earthworks and erosion and sediment controls and considers that the potential effects can be appropriately managed through the final Erosion and Sediment Control Plan and conditions of consent. I have also recommended that an accidental discovery protocol apply to the earthworks. I consider these measures respond appropriately to the direction in the Taiao Management Plan relating to earthworks and erosion and sediment control.
278. The presence of contaminated soil within the proposed wetland footprint is also relevant to the Papatūānuku provisions. The Plan seeks to avoid further soil contamination and supports

measures to address existing contamination. In particular, Policy 2.4.3 seeks adequate measures by industry and regulators to eliminate current and avoid future soil contamination, while Rule 2.4.1.1 states that consents should not be granted for activities involving a risk of contaminants entering soil.

279. Mr James Blackwell has considered the contaminated land matters raised by Ngāti Rangi in Submission 15. He agrees that contamination is present within portions of the wetland footprint and that careful management is required. The approach proposed by the Applicant is to isolate the contaminated and potentially contaminated soils beneath an engineered high-density polyethylene liner, rather than remove all affected material from the site. Mr Blackwell considers the risk of contaminant migration to groundwater or surface water to be low provided the liner is appropriately designed, constructed and quality assured, and recommends leak detection, monitoring and ongoing aftercare. Conditions to this effect have been proposed in the condition framework contained in Appendix A of this report.
280. Based on the technical advice of Mr Blackwell, the proposed containment measures are intended to prevent an active pathway between the contaminated soils and the surrounding environment. I consider this responds to the underlying concern in the Taiao Management Plan that existing contamination is appropriately managed and that further contamination of land or water is avoided.
281. The freshwater provisions of the Taiao Management Plan are more directly relevant to the proposed condensate discharge. The freshwater objectives seek clean and healthy water leaving the rohe, no point or non-point source discharge that adversely affects water quality, and the use of land as an additional means of purification before wastewater reaches waterways. Policy 4.1.1 seeks water quality that is suitable for swimming and fishing unless the waterbody is naturally unsuitable, while Policy 4.1.2 seeks Ngāti Rangi involvement in water quality monitoring.
282. Policy 4.2.1 records the general position of Ngāti Rangi that discharges to water are not supported. Policy 4.2.2 provides some flexibility in exceptional circumstances. However, where a discharge is agreed to by Ngāti Rangi, the policy expects it to pass through land or a wetland before entering water, to be of high quality, and not to contribute to cumulative effects or adversely affect the waterbody or its mouri. Policy 4.2.3 similarly seeks no impact on mouri or ecology and no stress on aquatic species from contaminants, temperature or other discharge-related effects.

283. The current proposal responds to one aspect of that direction by providing for the condensate to pass through the constructed wetland prior to discharge to the Whangaehu River. I note that the wetland is part of the discharge pathway. I have not relied on it as a treatment wetland for the purposes of assessing the environmental effects of the discharge.
284. The inclusion of the wetland should also not be taken as demonstrating that the proposal is supported by Ngāti Rangi. Technical Memo 8 records that, during the earlier application process, Ngāti Rangi was open to an alternative involving wastewater passing through a wetland before reaching the river. The current application must, however, be considered on the basis of the current position of Ngāti Rangi. Ngā Waihua o Paerangi Trust, on behalf of Ngāti Rangi, opposes APP-2006012018.03 in its present form through Submission 15.
285. I therefore do not consider it appropriate to rely on Policy 4.2.2 as indicating Ngāti Rangi agreement to the current discharge. The proposal incorporates one of the physical measures contemplated by that policy, being passage through a wetland before release to water, but the other elements of the policy also need to be considered. These include the quality of the discharge, cumulative effects and effects on the waterbody and its mauri.
286. Dr Ausseil concludes that, based on the discharge quantity and quality assessed, the effects of the proposed discharge on the water quality of the Whangaehu River will generally not be detectable and will be no more than minor. He considers that any consequential effects on aquatic communities and ecology will also be no more than minor. He expects those One Plan water quality targets and National Policy Statement for Freshwater Management attribute states that are presently met to remain met, and those that are not met to not be failed to any appreciably greater degree as a consequence of the discharge. These findings are relevant to the water quality and ecological matters addressed in Policies 4.1.1, 4.2.2 and 4.2.3 of the Taiao Management Plan. Dr Ausseil's conclusions are, however, dependent on the actual discharge remaining consistent with the quantity and quality assessed and he recommends monitoring once the plant is operational to confirm this.
287. The assessment of effects on mauri is not, however, limited to the physical water quality and ecological assessments. Submission 15 raises wider cultural and intergenerational concerns regarding the continued discharge of contaminants to Te Waiū-o-te-Ika. Those matters need to be considered alongside the technical evidence and the statutory framework established by the Ngāti Rangi Claims Settlement Act 2019.

288. The Taiao Management Plan also seeks Ngāti Rangi involvement in water quality monitoring. Dr Ausseil recommends continuous monitoring of discharge volume and regular monitoring of the chemical composition of the condensate following commissioning, with the results compared against the discharge quality relied upon in his assessment. The condition framework in Appendix A reflects Dr Ausseil's monitoring recommendations. Ngāti Rangi has also sought ongoing involvement in monitoring. I consider the nature and extent of that involvement can be further considered through the Applicant's section 41B evidence and the hearing process.
289. Overall, I consider the proposal responds positively to a number of matters identified in the Taiao Management Plan. These include the proposed erosion and sediment controls, an accidental discovery protocol, the containment and ongoing management of contaminated soils and the incorporation of a constructed wetland within the discharge pathway.
290. However, the Plan contains a clear preference against discharges to water and sets a high expectation for any discharge considered in exceptional circumstances. While Dr Ausseil's assessment indicates that the physical water quality and ecological effects of the proposed discharge are expected to be no more than minor, Ngā Waihua o Paerangi Trust, on behalf of Ngāti Rangi, continues to oppose the application in its present form. I therefore do not consider that the technical findings alone provide a basis to conclude that the proposed discharge is fully consistent with the relevant provisions of the Taiao Management Plan. My overall assessment remains informed by the matters raised by Ngāti Rangi and any further evidence presented at the hearing.

Ngāti Rangi Claims Settlement Act 2019

291. Part 3 of the Ngāti Rangi Claims Settlement Act 2019 establishes the statutory framework for Te Waiū-o-te-Ika, the Whangaehu River. This framework is directly relevant to the application because the condensate is proposed to be discharged to the Whangaehu River and the wetland and associated earthworks are located within its catchment.
292. Section 107 establishes Te Mana Tupua o Te Waiū-o-te-Ika. Of particular relevance, section 107(2) recognises Te Waiū-o-te-Ika as a living and indivisible whole extending from Te Wai ā-moe to the sea and comprising physical, including mineral, and metaphysical elements.
293. Section 108 identifies four Ngā Toka Tupua, being the intrinsic values that represent the essence of Te Waiū-o-te-Ika. In summary, these recognise the relationship with Kāhui Maunga

as the source of the awa and of life; the interconnected and intergenerational nature of the river; its living, nurturing and life-supporting qualities from source to sea; and the relationship between uplifting the mana of Te Waiū-o-te-Ika and the prosperity and growth of its hapū and iwi.

294. Section 109 establishes the legal effect of Te Mana Tupua and Ngā Toka Tupua. Section 109(1) applies where a statutory function relates to the Whangaehu River or to an activity within the Te Waiū-o-te-Ika catchment that affects the Whangaehu River. I consider that threshold is clearly met in this case.
295. For a resource consent decision under the Resource Management Act 1991, section 109(3) requires the Hearing Commissioners to **have particular regard to Te Mana Tupua and Ngā Toka Tupua**. Schedule 5 confirms that the Resource Management Act falls within section 109(3) for functions other than the preparation or approval of statutory planning documents.
296. Section 109(6) confirms that Te Mana Tupua and Ngā Toka Tupua may be determining factors in the exercise of the decision-making function, while preserving the discretion available to the decision maker under the Resource Management Act. Importantly for this report and the subsequent decision, section 109(7) requires the report or decision to state how the obligation to have particular regard to Te Mana Tupua and Ngā Toka Tupua has been complied with.
297. The Applicant has provided a separate assessment of the Te Waiū-o-te-Ika framework in Technical Memo 8⁷. That assessment recognises that section 109(3) applies to the resource consent decision and assesses the revised proposal against the four Ngā Toka Tupua. I have considered that assessment, together with Submission 15 and the technical assessments prepared on behalf of the Regional Council.

Intrinsic Values of Ngā Toka Tupua

298. In relation to **Ko te Kāhui Maunga te mātāpuna o te ora**, I recognise that the significance of Te Waiū-o-te-Ika is not confined to the immediate location of the discharge. The statutory value connects the source on Ruapehu with all reaches of the catchment. While the proposal does not physically disturb the source or alter the bed of the river, it introduces an industrial

⁷ Babbage Consultants Limited, *Resource Consent Application APP-2006012018.03* Technical Memo 8 – Whangaehu River / Te Waiū-o-te-Ika Framework.

wastewater discharge into the main stem of Te Waiū-o-te-Ika. I have therefore considered the proposal within the context of the river as a whole rather than as an isolated discharge point.

299. **He wai-ariki-rangi, he wai-ariki-nuku, tuku iho, tuku iho** recognises the interconnected and intergenerational nature of Te Waiū-o-te-Ika and the interests of future generations. I consider this particularly relevant to the 20-year term sought for the discharge. It is also relevant to the cumulative and intergenerational concerns raised by Ngāti Rangi in Submission 15.
300. The proposal includes measures intended to provide greater certainty over the nature and effects of the discharge, including a maximum discharge volume of 750 m³/day, defined process parameters, passage through the constructed wetland and proposed monitoring. The contaminated land assessment also provides for engineered containment, leak detection and ongoing monitoring and aftercare. Mr Blackwell considers the contaminated land risks to be low and manageable subject to these measures.
301. These measures are relevant to managing the effects of the proposal over time. The interconnected and intergenerational nature of Te Waiū-o-te-Ika is also relevant to consideration of the duration and longer-term implications of the discharge. I have therefore considered the 20-year term sought alongside the uncertainty associated with a discharge from a plant that is not yet operational, the proposed monitoring and review mechanisms, and the cumulative and intergenerational concerns raised by Ngāti Rangi in Submission 15. I address the appropriate consent duration separately in Section S of this report.
302. **Ko ngā wai tiehu ki ngā wai riki, tuku iho ki tai hei waiū, hei wai tōtā e** recognises Te Waiū-o-te-Ika as living and nurturing waters and places particular emphasis on the inherent life-supporting capacity of water being valued and enhanced. This is the Ngā Toka Tupua most directly informed by the water quality and aquatic ecology evidence.
303. Dr Ausseil concludes that, based on the discharge quantity and quality assessed, the effects of the proposed discharge on water quality will generally not be detectable and will be no more than minor, with consequential effects on aquatic communities and ecology also expected to be no more than minor. He expects the One Plan water quality targets and National Policy Statement for Freshwater Management attribute states that are presently met upstream of the discharge to remain met downstream, while those that are not currently met are not expected to be failed to any appreciably greater degree as a consequence of the discharge. His conclusions are dependent on the actual discharge remaining consistent with the quantity and

quality assessed, and he recommends monitoring following commissioning to confirm that this is the case.

304. This Ngā Toka Tupua also refers to physical, spiritual, cultural and economic benefit. Accordingly, the assessment is not limited to water chemistry or ecological effects. Ngāti Rangi's concerns regarding mauri, whakapapa, cultural use and the continuing relationship with the awa remain relevant even where the measurable biophysical effects are assessed as small.
305. **Kia hua mai ngā kōrero o ngā wai, kia hua mai te wai ora e** recognises the relationship between the mana and potential of Te Waiū-o-te-Ika and the prosperity and growth of its hapū and iwi. The proposal has identified potential employment and economic benefits arising from reuse of the Karioi industrial site. I have noted those matters as part of the wider application. However, no economic assessment has been provided, and I do not consider it appropriate for me to assess the extent to which those benefits would relate to the prosperity and growth of the hapū and iwi of Te Waiū-o-te-Ika.

P. SECTION 105

306. Section 105(1) requires the Hearing Commissioners to have regard to the nature of the discharge and sensitivity of the receiving environment, the Applicant's reasons for the proposed choice, and any alternative methods of discharge.
307. The proposed discharge is up to 750 m³/day of condensate wastewater to the Whangaeahu River. The river has a number of identified ecological, recreational and cultural values and is strongly influenced by its volcanic source. Based on Dr Ausseil's technical assessment, the proposed discharge is expected to have no more than minor effects on water quality and aquatic ecology, provided the actual discharge quantity and quality are consistent with those assessed. The recommended monitoring conditions are therefore important in confirming this once the plant is operational.
308. The Applicant has considered alternative methods, including discharge to land. While acknowledging that land discharge could be investigated in the future, the Applicant identifies constraints including the need for further site and soil investigations, winter discharge limitations, availability of suitable land and cost. The condensate is proposed to pass through the constructed wetland before discharge to the river, although I have not relied on the wetland providing treatment for the purposes of this assessment.

309. Having regard to section 105(1), I consider there is sufficient information to assess the nature of the discharge, the sensitivity of the receiving environment, the reasons for the proposed discharge method and the alternative methods considered by the Applicant. The Applicant has explained its reasons for discharging to the Whangaehu River. At page 33 of the Planning Report, the Applicant acknowledges that, given the reduced volume of wastewater proposed, the future viability of a land discharge option could be investigated. While a land discharge option has not been developed as part of this application, I consider the alternative methods of discharge have been sufficiently considered for the purposes of section 105(1).

Q. SECTION 107

310. Section 107 of the Act places restrictions on the granting of certain discharge permits where, after reasonable mixing, the discharge is likely to give rise to conspicuous oil or grease films, scums, foams or suspended materials; a conspicuous change in colour or visual clarity; objectionable odour; render fresh water unsuitable for consumption by farm animals; or result in significant adverse effects on aquatic life.
311. The Applicant's assessment of the proposed discharge is based on the expected condensate quality derived from analytical information from a Danish facility. As the proposed torrefaction plant is not yet operating, the actual quality of the condensate that will be produced at Karioi is not known. Dr Ausseil has reviewed the Applicant's water quality assessment and notes that it relies on the proposed average condensate concentrations. He has also relied on the technical assessment undertaken by Ms Jenny Simpson regarding the combustion process and the expectation that organic compounds in the condensate will be very low, provided the combustion parameters relied upon in the application are achieved.
312. The Applicant's receiving water assessment adopts a number of conservative assumptions, including the maximum discharge volume of 750 m³/day occurring when the Whangaehu River is at Mean Annual Low Flow, resulting in a dilution ratio of approximately 266. The assessment also assumes no contaminant removal as the condensate passes through the constructed wetland. Dr Ausseil has checked the Applicant's calculations and considers the assessment approach sufficiently conservative for the purpose of assessing the likely water quality effects of the discharge. On that basis, he concludes that the effects on water quality will generally not be detectable and will be no more than minor and specifically does not expect a conspicuous change in colour or visual clarity or significant adverse effects on aquatic life.

313. An important qualification to that assessment is that it is dependent on the actual discharge being consistent with the quantity and quality assumed in the application. Dr Ausseil therefore recommends conditions requiring continuous monitoring and reporting of discharge volume and monitoring of the chemical composition of the condensate, including cBOD₅ and selected organic compounds. He also recommends that monitoring results be compared with the discharge quality relied upon in the assessment and that material differences trigger further assessment and an appropriate response.
314. While the precise point of reasonable mixing has not been established, Dr Ausseil does not consider that a more detailed mixing assessment is necessary given the predicted scale of effects. He notes that this would need to be reconsidered if the actual discharge quality was materially worse than that assessed.
315. Based on Dr Ausseil's section 42A assessment in relation to water quality, colour and visual clarity and aquatic life, together with the other information before me, and provided the consent conditions verify that the actual discharge remains consistent with the quantity and quality relied upon in that assessment and provide for an appropriate response if it does not, I consider the proposed discharge is not likely, after reasonable mixing, to give rise to any of the effects identified in section 107(1)(c) to (g). On that basis, I do not consider the restrictions in section 107(1) are engaged, and the exceptions in section 107(2) do not need to be relied upon.

R. PART 2 ASSESSMENT

316. Part 2 of the Resource Management Act 1991 outlines the purpose and principles of the Act. Following the Davidson Decision (*RJ Davidson Family Trust v Marlborough District Council [2018] NZCA 316*) the Court identified that there is the ability to recourse to Part 2 when it is appropriate to do so. I do not consider a separate assessment against Part 2 is necessary in this case. I have not identified any illegality, uncertainty or incomplete coverage in the relevant provisions of the One Plan that would require recourse to Part 2. For completeness, I have nevertheless briefly considered the provisions I consider most relevant below.
317. Section 5 sets out the purpose of the Act, being to promote the sustainable management of natural and physical resources. This includes enabling people and communities to provide for their social, economic and cultural wellbeing and health and safety, while sustaining resources for future generations, safeguarding the life-supporting capacity of air, water, soil and ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

318. The proposal would enable the productive use of an established industrial site and has the potential to provide employment and wider economic and social benefits. The technical assessments undertaken on behalf of the Regional Council identify the potential physical effects associated with the earthworks, contaminated land, water quality and aquatic ecology, together with measures and conditions that would be required to address those effects should consent be granted. These matters are assessed in detail elsewhere in this report.
319. Section 6(e) requires recognition and provision for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga. The relationship of Ngāti Rangi with the Whangaehu River, Te Waiū-o-te-Ika, is particularly relevant to this application. That relationship is recognised through the Ngāti Rangi Claims Settlement Act 2019 and is also reflected in the matters raised by Ngā Waihua o Paerangi Trust in Submission 15.
320. Section 7(a) provides for particular regard to kaitiakitanga. In this case, this includes having regard to the kaitiaki/tāngata tiaki responsibilities identified by Ngāti Rangi through its Taiao Management Plan and submission 15 from Ngā Waihua o Paerangi Trust/Ngāti Rangi, and the statutory framework for Te Waiū-o-te-Ika under the Ngāti Rangi Claims Settlement Act 2019. I consider these matters in greater detail elsewhere in this report.
321. Section 8 requires the principles of the Treaty of Waitangi to be taken into account. In this case, these principles are particularly relevant to the relationship of Ngāti Rangi with Te Waiū-o-te-Ika and their involvement in the resource management process. These matters are reflected through the Ngāti Rangi Taiao Management Plan, Submission 15 from Ngā Waihua o Paerangi Trust, and the specific statutory framework applying to Te Waiū-o-te-Ika under the Ngāti Rangi Claims Settlement Act 2019. These matters have been considered in greater detail elsewhere in this report.
322. Overall, I consider the relevant Part 2 matters are addressed through the more specific statutory and planning provisions assessed elsewhere in this report. I have therefore not relied on Part 2 to reach a separate or different conclusion on this application.

S. CONSENT DURATION AND LAPSE PERIOD

General Provisions					
IO-O2	Consent	duration,	review	and	IP-P5 Consent durations
	enforcement				IP-P6 Consent review

323. The Applicant seeks a consent duration of 20 years for both resource consents and a ten-year lapse period. The application is intended to enable the future redevelopment and operation of the Karioi site and the Applicant has identified the importance of obtaining resource consents to provide certainty for a prospective purchaser and future operator. I recognise that some flexibility is required given that a future operator has not yet been confirmed. However, the appropriate duration and lapse period need to be considered separately for each consent, having regard to the nature of the activity and the information presently available.

Duration and lapse period – Land use consent

324. Section 125 of the RMA provides a default lapse period of five years unless another date is specified in the consent. The Applicant has sought a ten-year lapse period.
325. The land disturbance consent authorises a finite construction activity associated with establishing the proposed wetland. I do not consider a ten-year period within which to commence those works is necessary. A lapse period of that length would allow the earthworks to commence well after the site investigations, erosion and sediment control assessment, Remedial Action Plan and contaminated land assessments relied upon in this application were undertaken.
326. I consider the statutory five-year lapse period provides a reasonable period for the Applicant or a future operator to commence the works, while retaining an appropriate connection with the information and effects assessment on which the consent is based.
327. I also do not consider a 20-year consent term is necessary for the land disturbance activity. Once commenced, the earthworks are intended to be completed, stabilised and the wetland established. I consider the more relevant control is therefore the timeframe within which the works are completed. I recommend that the earthworks, stabilisation and associated establishment works be completed within five years of commencement.
328. The land disturbance consent is not subject to the common catchment expiry provisions in IP-P5. On that basis, I do not consider a separate fixed expiry date is necessary. A five-year lapse period, together with the requirement to complete and stabilise the works within five years of commencement, provides an appropriate timeframe for this activity.

Duration and lapse period – Discharge Permit

329. The discharge permit requires separate consideration because, unlike the land disturbance activity, it would authorise a discharge that may continue for the life of the consent. I have therefore considered both the ten-year lapse period and the 20-year consent duration sought by the Applicant.
330. I do not consider the ten-year lapse period sought for the discharge permit to be appropriate. The torrefaction plant is not yet operating and the actual condensate characteristics have not been confirmed. A ten-year lapse period could result in the discharge commencing a considerable time after the technical assessments and effects assessment presently before the Hearing Panel were undertaken.
331. I consider the statutory five-year lapse period provides a more appropriate balance. It provides some flexibility for the future development of the site while maintaining a reasonable relationship between commencement of the discharge and the information relied upon in assessing its effects.
332. In relation to consent duration, IP-P5 of the One Plan provides for section 15 resource consents to generally align with the relevant common catchment expiry date. For the Upper Whangaeu Water Management Area, the relevant future common expiry dates are 1 July 2029, 1 July 2039 and 1 July 2049. As this application is being considered within three years of the 2029 common expiry date, IP-P5 provides for alignment with the second common expiry date, being **1 July 2039**. A longer duration can be considered in ten-year increments in accordance with IP-P5.
333. There is some uncertainty associated with the proposed discharge. The torrefaction plant is not yet operating, and the actual condensate quality is therefore not known. Dr Ausseil's technical conclusions are based on the discharge quantity and quality assessed and he recommends monitoring once the plant is operational to confirm that those assumptions are achieved in practice. I consider this uncertainty relevant to consent duration, together with the ability to review conditions under section 128 should monitoring identify discharge characteristics or effects that differ from those assessed.
334. The condition framework provides mechanisms to respond if monitoring identifies discharge characteristics or effects that differ from those assessed, including monitoring, corrective action and review provisions. I consider those provisions important for managing the activity during the term of any consent. However, I do not consider that the ability to review conditions removes the need to set an appropriate consent duration having regard to the present uncertainty.

335. Ngā Waihua o Paerangi Trust, on behalf of Ngāti Rangi (Submission 15), has also raised specific concerns regarding the 20-year term and ten-year lapse period sought. The submission raises cumulative and intergenerational effects and identifies an initial 10-year period, provision for a further 10 years and five-year reviews amongst the matters that would need to be addressed before Ngāti Rangi would consider supporting a modified proposal. I have considered those concerns alongside the requirements to have particular regard to Te Mana Tupua and Ngā Toka Tupua.
336. On the information presently available, I do not consider there is sufficient basis to extend the discharge permit to the next common expiry date of 1 July 2049. In particular, the discharge has not yet commenced, its actual characteristics remain to be verified, and there are unresolved cumulative and intergenerational matters raised by Ngāti Rangi.
337. If the Hearing Panel determines that the discharge permit can be granted, I consider an expiry date of **1 July 2039** is appropriate. This would align the consent with the applicable common catchment expiry date under IP-P5, provide a meaningful period for the activity to operate, and enable the actual performance and effects of the discharge to be established through monitoring before the activity is reconsidered alongside other activities affecting the catchment.
338. Accordingly, if the discharge permit is granted, I consider a five-year lapse period and an expiry date of **1 July 2039** appropriate.

T. CONDITIONS

339. Attached as **Appendix A** is a framework for potential consent conditions for the discharge permit, together with proposed conditions for the land disturbance consent. The conditions have been developed having regard to the information contained in the application, the matters raised in submissions, the technical assessments undertaken by Dr Ausseil and Mr Pearce, technical memoranda provided by Mr Blackwell and Ms Simpson, and the Applicant's memorandum dated 8 September 2026.
340. The proposed conditions for the land disturbance consent are more developed, as the nature and extent of the activity and the measures required to manage its effects are reasonably well defined. The discharge conditions are provided as a framework at this stage. While the Applicant has indicated a willingness to work with the parties, there is limited operational data available to confirm the actual condensate characteristics and the final discharge limits,

monitoring and response thresholds. The framework is intended to identify the matters that I consider need to be addressed and to provide the Applicant with the opportunity to respond through its section 41B evidence.

341. Where matters are sufficiently clear, I have included specific requirements. These include the maximum discharge volume, measurement and telemetry of the discharge, the authorised feedstock and Torr Gas burner operating parameters relevant to condensate quality, and monitoring of the discharge composition. Dr Ausseil has recommended that the actual discharge quality and quantity be verified once the plant is operational, given that his assessment relies on the condensate characteristics and discharge volume identified in the application.
342. I have also included monitoring of the condensate entering the wetland and, following an initial stabilisation period, monthly monitoring of the final discharge leaving the wetland for 12 consecutive months. This is intended to confirm the actual discharge characteristics and whether passage through the wetland materially changes discharge quality. The Applicant has also indicated agreement to conditions requiring monitoring of the discharge composition, as recorded in its memorandum dated 8 September 2026. Dr Ausseil does not presently recommend routine in-river water quality monitoring, given his conclusion that the effects of the discharge are expected to be no more than minor. The monitoring framework can be further refined through the Applicant's section 41B evidence and the hearing process.
343. The Applicant's Technical Memo 2 – Water Quality Assessment Memo uses the proposed condensate composition identified in Technical Memo 2 as the basis for assessing the effects of the discharge. The concentrations used in that assessment are described as average concentrations and are derived from analytical results from a comparable facility using similar technology. The Applicant's assessment therefore relies on the actual condensate being broadly consistent with those characteristics. Dr Ausseil has similarly based his assessment on the assumed discharge quality, while noting that the actual condensate quality is presently unknown and that information on the likely range and peak concentrations has not been provided. He recommends monitoring once the plant is operating to verify that the actual discharge remains consistent with that assessed.
344. In my view, if consent is granted, the conditions should provide a clear and enforceable compliance framework that maintains the discharge within the effects envelope relied upon in the Applicant's assessment and Dr Ausseil's technical assessment. I have therefore used the

concentration values relied upon in the Water Quality Assessment as proposed average concentration limits for the relevant parameters. For concentration parameters where a numerical maximum can presently be proposed, I have also provisionally included a maximum individual sample limit of three times the relevant average concentration. This reflects the threshold identified by Dr Ausseil as an example of a significant discrepancy warranting investigation. I acknowledge that Dr Ausseil has not recommended that threshold as an absolute compliance limit. I have provisionally applied it within the condition framework to provide an enforceable upper response point, subject to consideration of the Applicant's section 41B evidence and matters canvassed at the hearing.

345. The relevant discharge quality conditions have therefore been identified as Placeholder conditions. In particular, the Applicant has been requested through the section 41B process to provide further information on expected peak condensate concentrations. I consider the final form of the average and maximum concentration limits should be reconsidered in light of that evidence. Parameters that are not appropriately addressed through an average and maximum concentration approach, including pH and temperature, and parameters presently described only by reference to analytical detection limits, will also require separate consideration before the conditions are finalised.
346. The condition framework also incorporates matters raised in submissions where the Applicant has indicated agreement to conditions, as recorded in its 8 September 2026 memorandum. In relation to Ngāti Rangī (Submission 15), these include the maximum discharge volume, requiring the discharge to pass through the constructed wetland before entering the Whangaehu River, lining of the wetland cells and monitoring of discharge composition. The Applicant has also indicated agreement to Ngāti Rangī involvement in monitoring and preparation of the wetland planting plan. The detail of those matters can be further considered through the Applicant's section 41B evidence and the hearing process.
347. In response to the submission from Health New Zealand | Te Whatu Ora (Submission 17), the Applicant has also agreed to conditions addressing the use of virgin forestry material as feedstock, monitoring of the discharge composition, and maintenance of the constructed wetland.

U. RECOMMENDATION

348. The application seeks two resource consents. The land disturbance activity is a controlled activity under Rule LF-LAND-R6. As set out earlier in this report, the land disturbance consent must be granted, subject to conditions relating to the matters over which control is reserved. Based on Mr Pearce's section 42A report and the contaminated land assessments undertaken by Mr Blackwell, I consider the effects of the land disturbance can be appropriately managed through the conditions contained in Appendix A.
349. The proposed condensate discharge is a discretionary activity under Rule LF-LW-R38. I have not reached a recommendation at this stage as to whether the discharge permit should be granted or declined.
350. In particular, the proposed torrefaction plant is not yet operating and the actual characteristics of the condensate discharge have not yet been confirmed. Dr Ausseil's conclusions rely on the actual discharge quantity and quality being consistent with those assessed. The Applicant is also expected to provide further information through its section 41B evidence, including in relation to the proposed condition framework.
351. Ngā Waihua o Paerangi Trust, on behalf of Ngāti Rangi (Submission 15), opposes the application in its present form and has raised matters relating to Te Waiū-o-Te-Ika, Te Mana Tupua, Ngā Toka Tupua, mauri, cumulative and intergenerational effects and the consent duration sought. I consider the evidence to be presented by Ngāti Rangi at the hearing will be important to my overall assessment of those matters.
352. I therefore consider it appropriate to defer my recommendation on the discharge permit until I have considered the Applicant's section 41B evidence, the evidence presented at the hearing, including the evidence of Ngāti Rangi, the final condition framework and any other matters arising through the hearing process.
353. If the Hearing Panel determines that the discharge permit can be granted, **I consider that** the consent should have a five-year lapse period and expire on 1 July 2039, for the reasons set out in Section S of this report.

V. CONCLUSION

354. The application is for land disturbance associated with the construction of a wetland and the discharge of up to 750 m³/day of condensate wastewater from the proposed wood processing

operation to the Whangaehu River. The effects associated with these activities have been considered in this report. In particular, the matters I have considered are as follows:

- (a) The actual and potential effects of the activities based on the AEE and supporting technical information submitted by the Applicant, the further information responses provided, and the technical assessments undertaken on behalf of the Regional Council by Mr Kerry Pearce and Dr Olivier Ausseil and the technical memoranda provided by Mr James Blackwell and Ms Jenny Simpson;
- (b) The points and views raised in submissions, including the matters raised by Ngā Waihua o Paerangi Trust, on behalf of Ngāti Rangi (Submission 15), in relation to Te Waiū-o-te-Ika, mauri, cumulative and intergenerational effects and the term sought for the discharge permit;
- (c) The statutory framework, including the relevant National Policy Statement, National Environmental Standards, Regional Policy Statement and Regional Plan provisions. I have assessed the proposal against the relevant objectives and policies of these documents to determine whether it is consistent with the manner in which the natural and physical resources of the Region are to be managed;
- (d) The Ngāti Rangi Taiao Management Plan 2014 and the specific statutory framework applying to Te Waiū-o-te-Ika under the Ngāti Rangi Claims Settlement Act 2019, including Te Mana Tupua and Ngā Toka Tupua; and
- (e) Part 2 of the RMA, to the extent considered necessary for completeness.

355. In relation to the land disturbance consent, based on Mr Pearce's section 42A report and the contaminated land assessments undertaken by Mr Blackwell, I consider the potential effects associated with earthworks, erosion and sediment control and the disturbance and reuse of contaminated soils can be appropriately addressed through the proposed management measures and the conditions recommended in Appendix A. Based on Mr Blackwell's assessment, I have not identified a requirement for a separate Regional Council discharge permit arising from the contaminated land.

356. In relation to the discharge permit, Dr Ausseil's section 42A report concludes that, based on the discharge quantity and quality assessed, the effects on the water quality and aquatic ecology of the Whangaehu River will be no more than minor. His conclusions are dependent on the actual discharge remaining consistent with the quantity and quality assessed. The condition framework in Appendix A therefore includes provisions intended to confirm the

actual discharge characteristics through commissioning and ongoing monitoring and to provide a response where those characteristics differ materially from those assessed.

357. The technical assessments provide a basis for identifying the likely physical effects of the activities and the measures required to manage those effects. However, the assessment of this application is not limited to the level of physical environmental effect. The relationship of Ngāti Rangi with Te Waiū-o-te-Ika, and the requirements to have particular regard to Te Mana Tupua and Ngā Toka Tupua, are also relevant to the overall consideration of the application.
358. Accordingly, the land disturbance consent must be granted as a controlled activity, subject to conditions relating to the matters over which control is reserved. I have not reached a recommendation at this stage as to whether the discharge permit should be granted or declined. I will reach that recommendation following consideration of the Applicant's section 41B evidence, the evidence presented at the hearing, including the evidence of Ngāti Rangi, the final condition framework and any other matters arising through the hearing process.

APPENDIX A – CONDITIONS

APPENDIX B – WINSTONE PULP CLM S92 RESPONSE REVIEW V01

APPENDIX C – WINSTONE PULP CLM SUBMISSION REVIEW V01

APPENDIX D – TECHNICAL MEMO [AIR] V01