

Horizons Regional Council
Winstone Pulp International Discharge Consent Reconsenting
Hearing Panel Minute 2

1. In Minute 1, we fixed a timetable based on the hearing of these applications commencing on 20 April 2026. The first step in the timetable was filing of the section 42A report by the Council reporting officer on 26 March 2026. We also noted our understanding that the applicant was considering changes to its application, and that it would be filing a memorandum shortly.
2. We received a memorandum from the applicant on 13 March. We did not circulate the applicant's memorandum, because it did not contain an amended application. Rather, it foreshadowed the applicant's intention to make such amendments in future. The applicant's memorandum included legal advice it had received addressing legal issues Council staff had raised, from which one can deduce the nature of the proposed amendments. In summary, it appears to involve a significant reduction in the contaminants proposed to be discharged in any new consent. Any submitter wishing to receive a copy of the applicant's legal memorandum can ask the Hearing Administrator for one.
3. We have now received a further memorandum from counsel for the applicant dated 19 March advising that the applicant's work on an amended application is ongoing, and that that work will not be able to be completed before 30 April 2026. Counsel seeks directions that the 20-23 April hearing be vacated, and that a new timetable be put in place based on a hearing in the week of 15 June (exact dates to be confirmed).
4. Ms Morton has responded on behalf of Council, confirming its absence of opposition to vacate the existing timetable and defer the hearing of the application.
5. Ms Morton opposes, however, our fixing any timetabling steps beyond the applicant filing its amended application and revised Assessment of Environmental Effects (including a revised planning analysis). She notes that the applicant has signalled that the amended application may incorporate a wetland system as part of the wastewater treatment, which raises the potential for additional resource consents to be required that the applicant has not yet sought. She records that:

"There is also the broader question of whether all consents required for any amended proposal will be before Council, and how any amended proposal is to be assessed against the relevant statutory and planning framework, including the Te Waiū-o-Te-Ika, Te Mana Tupua and Ngā Toka Tupua."

6. We agree with Ms Morton that the original timetable is now unworkable. The delay in the applicant confirming exactly what it is now applying for (and assessing the effect of the changes it proposes) has put Council reporting officers in an untenable position, trying to complete their section 42A reports. There is no scope for filing of the section 42A report to be delayed and still retain the original hearing date, because the steps required following its filing are prescribed by the RMA with fixed minimum time periods. In any event, the applicant's advice is that it will be unable to supply the required information before 30 April, i.e. a full week after the proposed conclusion of the hearing.
7. While section 21 of the RMA emphasises the need for us to act promptly, this is subject to the qualification that we should also act reasonably. It would not be reasonable for us to direct Council reporting officers to file their section 42A reports in 5 working days time in the circumstances.
8. Section 18A of the RMA also emphasises timeliness, but it also directs us to take all practicable steps to use efficient and cost-effective processes. It would be neither efficient, nor cost-effective to proceed with the hearing of an application when the applicant is clearly signalling that with a little time, it will be able to present a proposal with (we infer) materially reduced adverse effects on water quality values.
9. Nor is this a case where extending the hearing timetable will have the result that a discharge with effects that we might find to be unsatisfactory can continue for longer than would otherwise be the case. The discharge ceased in 2024, and we understand that there is no prospect of it recommencing in the near future.
10. In summary, we accept counsel' for the applicant's request to vacate the timetable we fixed in Minute 1. The hearing will therefore not proceed on 20 April.
11. While it is tempting to put in place a replacement timetable based on the applicant's confidence that all required steps can follow its provision of a revised application and assessment of effects on 30 April, having fixed one timetable only to find it to be unworkable, we are wary of doing so again. We consider that Ms Morton's caution in that regard is entirely justified in the circumstances, and that Council reporting officers need to be given the time to assess the additional material the applicant provides before we move into preparation for a hearing.
12. We have noted also the feedback received from one of the submitters who has asked to be heard, Mr Ross Wallis. Mr Wallis expresses concern about the extent of the changes the applicant might potentially make, and the time available for submitters to respond under the applicant's suggested timetable. Mr Wallis makes a fair point, illustrating the issues inherent in setting a timetable when other interested parties do not know exactly what they will be addressing. .

13. The applicant's proposed timetable is not tenable for another reason. The Panel's other commitments mean that it would not be possible to schedule a hearing before 22 June in any event.
14. We therefore direct that the applicant file an amended application and assessment of environmental effects on or before 30 April 2026. For the avoidance of doubt, we are relaxed if the revised assessment of environmental effects takes the form of an addendum to the existing assessment, so long as it informs all parties of what is now sought, and the implications of what is now sought for the existing assessment.
15. We will release another Minute making further directions once the applicant's material has been provided and we can consider what procedural steps are required from that point. Interested parties can proceed on the basis that the hearing will not be before 22 June 2026 at earliest.
16. In summary therefore:
- We direct that the timetable fixed in Minute 1 be vacated;
 - The hearing previously fixed for 20 April 2026 will not therefore proceed on that date; and
 - The applicant is directed to file any amendments to its application, together with a revised assessment of environmental effects based on the changes it proposes, with the Hearing Administrator (Mrs Shelley Gunning) on or before 30 April 2026. The latter should include an assessment of the revised application against all relevant statutory instruments, including Te Waiū-o-Te-Ika, Te Mana Tupua and Ngā Toka Tupua.



Trevor Robinson (Hearing Panel Chair)

20 March 2026