

**BEFORE THE MANAWATŪ-WHANGANUI REGIONAL COUNCIL
INDEPENDENT HEARING PANEL**

IN THE MATTER of the Resource Management
Act 1991 ("RMA" or "the
Act")

AND

IN THE MATTER of resource consent
applications to **MANAWATŪ-
WHANGANUI REGIONAL
COUNCIL** by **WINSTONE
PULP INTERNATIONAL
LIMITED** to discharge up to
750m³/day of condensate
wastewater, and land
disturbance together with
any ancillary diversion of
water and discharge of
sediment for the associated
construction of a wetland
(ATH-2010011593.03 and
ATH-202609463.00).

LEGAL MEMORANDUM OF COUNSEL TO ACCOMPANY EVIDENCE

29 SEPTEMBER 2026



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Introduction

1. The hearing of this application is scheduled for 14-15 October 2026 before Commissioners Trevor Robinson (Chair), Greg Ryder, Miria Pomare (**"the Panel"**).
2. The purpose of this memorandum is to:
 - (a) Provide the Panel with the recommended order in which the evidence is to be read; and
 - (b) Address air discharge matters.

Recommended order for evidence to be read

3. To assist the Panel's understanding of the Applicant's case, we recommend that the evidence be read in the following order:

Michael Ryan (Corporate)

- (a) Mr Ryan, the CEO of WPI, provides background to WPI, its closure, and the Site, along with the key consultation and engagement undertaken to date, including with Ngāti Rangi.

Paul Duder (Corporate / Technical)

- (b) Mr Duder, Director of Duder Project Management Limited, provides an overview of the Te Ara Hiko Project, the torrefaction process, and the operation of the Biocoal manufacturing facility.

Lobo Coutinho (Water Quality)

- (c) Mr Coutinho, Environmental Science and Engineering Lead at Babbage Consultants, provides a water quality assessment of the proposed discharge, including into the Whangaehu River.

Treffery Barnett (Ecology)

- (d) Ms Barnett, Technical Director (Freshwater and Coastal Ecology) at Babbage Consultants Limited, provides an ecological assessment of the proposed activity, including the ecological effects of the proposed discharge on the Whangaehu River.

Hiram Garcia (Contaminated Land and Remediation)

- (e) Mr Garcia, Principal Environmental Consultant at Babbage Consultants Limited, provides his findings of the Detailed Site Investigation and Remedial Action Plan for the proposed wetland.

Sunil Prasad (Earthworks)

- (f) Mr Prasad, Engineering Manager at Cheal, addresses the proposed earthworks alongside the Erosion and Sediment Control report associated with the construction of the wetland.

Sukhi Singh (Planning)

- (g) Ms Singh, Technical Director (Planning) at Babbage Consultants Limited, addresses all relevant planning matters and includes consideration of the issues raised by the submitters, the s 42A report, and all technical evidence against the relevant statutory and planning criteria, objectives and policies.

Air discharge matters

4. The operation of the manufacturing facility that generates the condensate will require that the Applicant's extant air discharge resource consent is varied, or that a new resource consent be sought.
5. In that regard, we refer to:
- (a) Technical Memo 7 (Air Discharge Memo) prepared by air quality specialist, Mr Nigel Goodhue of Air Matters, as part of the notified application, which states:¹

Based on the initial review of the change in onsite activities, Air Matters considers that emissions to air will be of a comparable nature and scale to those already authorised under Resource Consent APP-2002010157.06.

- (b) The Applicant's section 92A response dated 11 June 2026, which states:

It is acknowledged that the revised application will either require a variation to the approved Resource Consent APP-2002010157.06 or a new air discharge

1 Technical Memo 7, page 3.

consent. This decision will be informed by the future air dispersion modelling for the revised proposal, which has not been undertaken at this stage.

It is considered that the likely air discharges from the proposed process are well understood, and in light of the above assessment from the applicant's air quality specialist, a variation to the existing air discharge consent or a new air discharge consent will not materially impact the revised wastewater discharge consent.

- (c) The Council's peer review report dated 8 September 2026 prepared by Ms Jenny Simpson of Tonkin + Taylor, which reviewed the above material and concluded that:²

The main discharges to air from the project are gaseous byproducts of combustion and particulate matter. There would be no material interaction between the effects of discharges of these contaminants to air and the discharge of contaminants to water.

Therefore, based on the information reviewed, we do not consider that an assessment of the effects of discharges to air is necessary to fully understand the other effects of the project, particularly the discharge of contaminants to water.

6. Given the expert alignment on these issues, including that an assessment of effects of the air discharge is not necessary to fully understand the other effects of the project, particularly the discharge of contaminants to water (noting Ms Simpson's opinion that there would be no material interaction between the effects contaminant discharge to air and to water), Mr Goodhue has not prepared a brief of evidence.

7. However, should the Panel wish to hear further on this matter, the Applicant has arranged for Mr Goodhue to be available and attend the hearing (remotely) to answer any questions the Panel may have in this regard.

DATED at Auckland this day of 29 September 2026



C F Timbs / B S Morris
Counsel for Winstone Pulp International Limited