

Before the Expert Panel

Under the Fast-track Approvals Act 2024 (**FTAA**)

And

In the matter of an application for approvals by Taharoa Ironsands Limited to continue existing mineral sand extraction, including land preparation works, constructing a water supply reservoir, extracting ironsand material, processing extracted material, and transporting raw and processed material on 911 hectares at Taharoa Road, Taharoa, approximately 8 kilometres south of Kawhia and 45 kilometres northwest of Te Kūiti (**Central and Southern Block Mining Project**)

Memorandum of counsel on behalf of Taharoa Ironsands Limited
to the Expert Panel

Dated 2 July 2026

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Solicitor acting: Tom Atkins

Partner responsible: Stephanie de Groot

MAY IT PLEASE THE PANEL

1. We refer to Minute 15 of the Expert Panel, in which the Panel directed that independently facilitated expert conferencing be convened on the adequacy of TIL's proposed wetland offset measure.
2. The Panel requested that specified experts attend the expert conferencing on behalf of Taharoa Ironsands Limited (**TIL**), the Department of Conservation (**DOC**) and Waikato Regional Council (**WRC**), as well as experts in mātauranga Māori nominated by Te Nehenehenui and Ngāti Mahuta ki te Hauārua. Mr Taituwha King has been nominated to attend for Te Nehenehenui and Ms Ngahuia Herangi has been nominated to attend on behalf of Ngāti Mahuta ki te Hauārua.
3. The purpose of this memorandum is to:
 - (a) set out Taharoa Ironsands Limited's (**TIL**) concerns regarding the nomination of Mr King and Ms Herangi to attend expert conferencing; and
 - (b) request that the Panel issue directions that the nominations of Te Nehenehenui and Ngāti Mahuta ki te Hauārua for expert conferencing are withdrawn and replaced.

Independence of experts

4. TIL considers that there is a fundamental conflict of interest arising from the proposed involvement of Te Nehenehenui and Ngāti Mahuta ki te Hauārua's nominated experts in expert conferencing, such that it is not appropriate for either Mr King or Ms Herangi to attend.
5. Mr King and Ms Herangi are not independent experts appointed by Te Nehenehenui and Ngāti Mahuta ki te Hauārua. They both hold leadership positions within Ngāti Mahuta ki te Hauārua and/or other mana whenua groups, as follows:
 - (a) Mr King is a Trustee and the Chair of Te Kooraha Marae (which forms part of Ngāti Mahuta ki te Hauārua); and

- (b) Ms Herangi is a Trustee and the Secretary of Te Kooraha Marae. (She is also a Trustee and former Chair of the Taharoa Lakes Trust.)
6. Both Mr King and Ms Herangi have in the past advocated, and continue to presently advocate, for these groups in opposition to the Central and Southern Block Mining Project across different forums (including but not limited to opportunities provided through this FTAA process). For example, Ms Herangi is representing the Taharoa Lakes Trust and Te Kooraha Marae's section 274 interest in TIL's Environment Court appeal of the decision made in respect of its RMA application for the Central and Southern Blocks. Mr King has been quoted in recent media reporting about Ngāti Mahuta ki te Hauārua concerns in respect of TIL's application.¹
 7. As set out in the FTAA Practice and Procedure Guidance Note (**Guidance Note**),² experts are to participate in expert conferencing in accordance with section 9.4(4)(ii) of the Environment Court Practice Note 2023 (Code of Conduct for Expert Witnesses), including:
 - (a) exercising independent and professional judgement; and
 - (b) assisting the panel impartially on matters within an expert's area of expertise.
 8. As leaders of groups that oppose TIL's Fast-track Application in its current form, it is not possible for Mr King and Ms Herangi to participate in expert conferencing impartially or exercise independent judgement.
 9. The purpose of expert conferencing is to facilitate independent discussion between experts, without representatives or advocates from the parties present, to determine key issues and identify which issues are agreed and those which cannot be agreed. It is for these reasons that no legal or company representatives from TIL are attending expert conferencing, and we note that TIL did not seek for any such representatives to attend in responding to Minute 15. This is also the case for DOC and WRC, as is appropriate in the context of independent expert conferencing.

¹ [After 50 years of mining, iwi questions Taharoa Ironsands' relationship – Te Ao Māori News; Ngāti Mahuta raise alarm over Taharoa Ironsands operations | Te Ao Māori News.](#)

² *Fast-track Approvals Act 2024: Panel Conveners' Practice and Procedure Guidance* (22 July 2025). See paragraph 15.5.

Direction sought

10. TIL respectfully requests that the Panel direct that the nominations of Te Nehenehenui and Ngāti Mahuta ki te Hauārua for expert conferencing are withdrawn and new nominees put forward.

DATED this 2nd day of July 2026



Stephanie de Groot / Tom Atkins
Counsel for Taharoa Ironsands Limited