
MINUTE 3 OF THE PANEL CONVENER

Post-conference decisions on panel appointment and decision timeframe

Central and Southern Block Mining Project [FTAA-2512-1153]

27 March 2026

Participants

[1] On 19 March 2026 I held a convener conference in respect of this application. The conference was attended by the Applicant (Taharoa Ironsands Ltd), the local authorities (Waikato Regional Council (WRC), and Waitomo District Council (WDC)), the Director-General of Conservation (DoC), Heritage New Zealand Pouhere Taonga (HNZPT) and representatives of the following iwi authorities and Treaty settlement entities:

- a. Te Nehenehenui Trust;
- b. Te Whakakitenga o Waikato Incorporated (Waikato-Tainui).

[2] For completeness, I record that all iwi authorities and Treaty settlement entities identified as relevant in the report prepared by MfE pursuant to section 18(2)(a) of the FTAA were invited to attend the conference. Other relevant Māori groups identified in the section 18 report are likely to be encompassed by the invitation to comment to be issued by the Expert Panel upon their appointment.

Purpose of minute

[3] The purpose of this minute is to:

- a. Briefly summarise the views expressed by conference participants on the matters of panel composition and the timeframe required for the expert panel to deliver its decision; and
- b. Confirm my decisions on those two matters.

[4] In advance of the conference, I received written memoranda or correspondence from all participants. The Applicant's memorandum supplemented an earlier document filed together with the application documentation and traversed in some detail the consenting history of the Central and Southern Mining Block Project.

[5] Of particular relevance to the issue of decision timeframe, the Applicant explained (in summary) that:

- a. This is a long-established mining operation (@50 years) that is seeking to continue existing operations. The activities for which approvals are sought, together with the existing environment and the potential effects, are well understood and the key stakeholders are known and have been engaged with over a long period of time;
- b. Regional consents for the operation of the mining operation expired in 2020, and a renewal application was partially granted in late 2024, with the WRC agreeing that operations could continue on the basis of the expired consents. The renewal decision was appealed to the Environment Court, including in relation to scope and condition issues;
- c. Following lodgement of the appeal the Applicant elected to pursue a FTAA application on the basis of the Schedule 2 listing for the Project, assuming that it would, at an appropriate point, withdraw the Environment Court appeal;
- d. However, there is some disagreement between the Applicant and WRC

as to the interpretation of section 95 FTAA and in particular the Applicant's ability to continue reliance on the expired consents while progressing the fast-track application. Both parties therefore sought that the appeal remain on hold, but the Court has directed mediation in July 2026, principally in relation to conditions resolution.

[6] The Applicant confirmed at the conference that the Court's attitude to the appeal informs the Applicant's desire to have this Application determined as quickly as possible. The Applicant has sought to fix the decision time frame at 45 working days following receipt of invited comments.

[7] There is a good degree of alignment between the Applicant and WRC on the issues likely to be in contention on this Application. In relation to the resource consents, these all relate to specific conditions of consent that are at issue in the Environment Court appeal and remain at issue via the updated set of conditions provided with the Application. They are set out at paragraph 40 of the legal memorandum dated 5 December 2025 that accompanied the Application documents, and include:

- a. Set back requirements (to manage the impact of air discharges);
- b. Water intake mesh screens;
- c. Collection and monitoring of data within the coastal environment;
- d. Stock exclusion;
- e. Residual stream flow (Wainui Stream);
- f. Ongoing site rehabilitation work;
- g. Cultural effects;

- h. Term of consents;
- i. Flooding risk;
- j. Provision of information to stakeholders.

[8] The Application also seeks a wildlife approval and an archaeological authority. Neither of those aspects are expected to be complex or overly contentious.

[9] In relation to the decision timeframe, and the matters relevant to determining an appropriate timeframe, the other conference participants expressed the following views:

- a. WRC confirmed its view of the issues in contention, noted resolution (in the context of this Application) of the scope issue that continues to form part of the Environment Court appeal, and observed that expert caucusing would be useful to resolve a range of the contentious issues, provided the WRC is given adequate notice of conferencing arrangements. The WRC expressed no view on an appropriate number of working days for the decision, other than to note that it was probably "in the middle of the range";
- b. WDC considered that 65-70 working days following receipt of comments would be sufficient, noting that the Council is not well resourced and has no access to technical experts other than planning. WDC also noted that the Application relies on existing use rights under section 10 of the RMA but that the documentation provided in support of those existing use rights does not presently include a sufficient level of detail to satisfy the relevant statutory test. The Applicant advised that it was compiling that information and would provide it to WDC as soon as possible;
- c. Te Nehenehenui Trust considered that 60-65 working days following

receipt of comments would be an appropriate decision timeframe, and noted that in light of the complexity of mana whenua engagement and the Treaty settlement framework, there may be a need for face-to-face meetings to occur with the Expert Panel;

- d. Waikato-Tainui, DoC and HNZPT expressed no specific view on decision timeframe.

[10] In relation to the existing use rights information sought by WDC, I encourage the Applicant to provide that information as soon as possible. While the Applicant remains confident that it can satisfy the statutory test, there would be scope and process consequences for this Application if WDC were to reach a contrary view. Certainty on that issue is therefore desirable as a matter of some priority.

[11] On the matter of expertise required for the members of the expert panel:

- a. the Applicant recommended the panel hold expertise in planning (local planning documents), mine operations, decision-making and civil engineering. At the conference, a preference was expressed for hydrology over air discharge expertise;
- b. The WRC and WDC noted my request for nominations to address air discharge expertise and added that hydrology, mātauranga and/or understanding of Treaty settlements might also be useful. WDC requested expertise relevant to mining and extractive industries and tikanga Māori, and, if land use consent is triggered, expertise in noise, landscapes and dust;
- c. Te Nehenehenui advised that the panel should collectively include expertise relevant to mining and extractive industry operations, hydrology and groundwater systems, tikanga Māori and Treaty settlement frameworks;

- d. Waikato-Tainui endorsed the need for cultural expertise and understanding of Treaty settlement frameworks;
- e. DoC considers it appropriate to include expertise in freshwater ecology and understanding of effects on wildlife and biodiversity values.

[12] I record my thanks to all conference participants for their attendance and thoughtful participation.

Decisions

[13] I am appointing the following persons to the Expert Panel to determine the substantive application lodged for the Central and Southern Block Mining Project:

- a) Dave Serjeant (chair);
- b) Martin Williams;
- c) Lou Wickham (local authority nominee).

[14] I am satisfied that, collectively, the Expert Panel will hold appropriate expertise and experience in relation to decision-making, law, planning & policy, cultural context including Treaty settlements, te ao Māori and Māori development, mining, air discharge and coastal operations. The Expert Panel will be free to commission further technical specialists to support their decision-making process once they have commenced work.

[15] The date on which the Expert Panel is appointed is **27 March 2026**, and it will commence work on **7 April 2026**.

[16] After careful consideration of the matters raised at the conference, I consider that a timeframe of **60 working days** following the receipt of invited comments is appropriate. The Expert Panel decision will therefore be due on

14 August 2026, subject to the application being suspended for any of the reasons outlined in section 60 of the Act, and to comments on the application being invited on 21 April 2026.

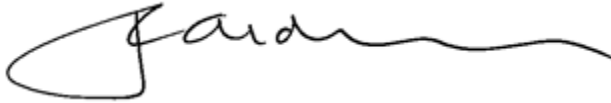
[17] In setting this timeframe I have had regard to the following relevant matters:

- a. Many of the issues in contention have previously been the subject of earlier discussion in the 2024 resource consent hearing and are a focus in the Environment Court appeal. They are well understood, and engagement between the Applicant and WRC team (and their experts) appears to be well established;
- b. While expert conferencing or issues-based caucusing appear to offer constructive opportunities to resolve disputed issues and conditions, there are a number of issues to address and these sessions may take time to arrange and facilitate. These are all matters of procedure that fall within the Expert Panel's jurisdiction, but I need to allow appropriate time for them to be utilised;
- c. Experience of panels to date suggests that a number of requests for further information under section 67 may be required in light of the volume of technical reports provided to support the Application, and the range of technical issues requiring resolution;
- d. In view of the land ownership arrangements and the relevant Treaty settlement landscape for the Project area, cultural matters will require the Expert Panel to gain an understanding of relevant tikanga and mātauranga and will likely need to involve a hui or other opportunity for relevant iwi, hapū and marae, as well as Treaty settlement entities, to speak directly to the Expert Panel regarding their views and concerns.

[18] I recommend that the Applicant make early arrangements for the Expert Panel to undertake a site visit, and as discussed above to attend to the provision

of existing use rights documentation to WDC as a matter of some urgency.

[19] In terms of next steps, the participants will be contacted by the Expert Panel upon their commencement.

A handwritten signature in black ink, appearing to read "J. Caldwell", with a long, sweeping horizontal line extending to the right.

Jennifer Caldwell

Associate Panel Convener for the purpose of the Fast-track Approvals Act 2024