

Before the Panel Convener

Under the Fast-track Approvals Act 2024

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 on behalf of Taharoa Ironsands Limited in advance
of the Panel Convener conference

Dated 18 March 2026

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MAY IT PLEASE THE PANEL CONVENER

INTRODUCTION

1. We act for Taharoa Ironsands Limited (**TIL**) in respect of its substantive application under the Fast-track Approvals Act 2024 (**FTAA**) for the Central and Southern Blocks Mining Project (**Project**).
2. The Project is to consent and enable the continued operation of mining activities within the Central and Southern Blocks of the Taharoa Ironsand Mine, including associated ship-loading and export activities within the coastal marine area.
3. The Project is listed in Schedule 2 of the FTAA and includes applications for resource consents, an archaeological authority and a wildlife approval.
4. TIL filed its application on 5 December 2025, and the EPA accepted it for processing on 16 February 2026 under section 46(2) of the FTAA. On 25 February 2026, the Environmental Protection Authority (**EPA**) determined that there were no competing applications under section 47(4). On 9 March 2026, the Panel sought reports from Heritage New Zealand Pouhere Taonga and the Director-General of Conservation under section 51(1)(2)(c)–(d). On 11 March 2026, the Ministry for the Environment provided its report under section 18(2) regarding treaty settlements and related obligations.
5. We refer to the Minute of the Panel Convener dated 13 March 2026 scheduling the Panel Convener's conference for 11:30am on Thursday 19 March 2026 and directing participants to file a written response to matters set out in the Minute, including Schedule 1 of the Minute, by 1:00pm Wednesday 18 March. The purpose of this memorandum is to respond to the matters set out in Schedule 1 of the Panel Convener's Minute.
6. We note that TIL filed a memorandum of counsel dated 5 December 2025 with its substantive application (**Application Memorandum**). This memorandum covers many of the matters set out in the Minute and in Schedule 1. Accordingly, the approach of this memorandum is to:

- (a) Respond to each of the matters set out in the Panel Convener's Minute and in Schedule 1, with reference to the Application Memorandum, and provide any additional comments;
 - (b) Provide an update on the status of TIL's Environment Court appeal which is addressed in the Application Memorandum and may be of interest to the panel once it is convened (**Panel**); and
 - (c) Provide feedback on the "other Māori groups with relevant interests in the project area" identified in the Ministry for the Environment's section 18(2) report, which is relevant to the Panel's decision to invite feedback on the application under section 53.
7. This memorandum should be read in conjunction with the Application Memorandum.

CASE MANAGEMENT MATTERS

Number and range of approvals sought:

8. The number and range of approvals sought by TIL is set out in detail at paragraph 32 of the Application Memorandum and is summarised below. TIL is seeking:
- (a) A package of 15 resource consents as described in section 87 of Resource Management Act 1991, including land use consents, water permits, discharge permits and coastal permits as required under the Waikato Regional Plan, the Waikato Regional Coastal Plan and relevant national environmental standards;
 - (b) An archaeological authority as described in section 44(1) of Heritage New Zealand Pouhere Taonga Act 2014 to authorise the modification or destruction of recorded sites within the Project area and any unidentified sites; and
 - (c) A wildlife approval as described in section 53 of the Wildlife Act 1953 to capture, temporarily hold and relocate and incidentally kill native lizards.

Level of complexity:

9. TIL does not anticipate that any significant legal, evidential or factual complexities will arise during the Panel's consideration of the application.

This is because:

- (a) The Mine has been in operation for over 50 years, and TIL is seeking to continue its existing operations. This means the activities for which approvals are sought, the environment, the potential effects and management measures, and key stakeholders, are well understood.
- (b) TIL's application follows an extensive application process under the Resource Management Act 1991 (**RMA**) for substantially the same activities, including a 5-day hearing before an Independent Hearing Panel appointed by Waikato Regional Council (**WRC**) in 2024. As set out in the Application Memorandum, the decision in respect of this application was to grant some of the resource consents required by TIL to continue operating, but not the full package. The decision is now subject to appeal by TIL in the Environment Court. As a result of RMA process, the legal, evidential and factual issues have been thoroughly examined, tested and narrowed. TIL's application, including its technical assessments, have been informed by this process.

10. However, it is recognised that there is a complex consenting history to the application and some of the technical reports (particularly hydrogeology) are on the more complex side.

11. Overall, it is considered that the application is of low to moderate complexity. We expand below.

Legal complexity:

12. TIL accepts that the application engages three statutes, and a number of approvals are sought. However, the majority of the resource consents sought are to replace existing resource consents and the archaeological authority and wildlife approval are straight-forward applications.

13. It is not expected that TIL's application will give rise to any novel or difficult legal questions or engage constitutional or public law. The law in respect of the existing environment, existing use rights, and conditions of resource consents is engaged by the application but has been well tested.
14. A complex issue in respect of the scope of the application arose in respect of the RMA application – however, that issue is no longer engaged as it has been resolved by the substance of TIL's Fast-track application. There is also an interpretation issue in respect of section 95 of the FTAA that has arisen between WRC and TIL. However, this relates to TIL's Environment Court appeal and not its Fast-track application. That matter is addressed later in this memorandum.

Evidential complexity:

15. A list of technical reports filed in support of the application is set out in paragraph 35 of the application Memorandum. The technical reports have been thoroughly tested through the previous RMA process. Additional information and assessments prepared by TIL's technical experts during the RMA process have been incorporated into the assessments accompanying TIL's Fast-track application, ensuring that they are strong and technically robust.
16. For this reason, it is anticipated that any conflicting expert opinions will be limited and can be resolved through direct engagement between the experts, such as conferencing, without a need for a hearing.
17. Some of the technical assessments, namely hydrogeology, are specialised and complex. Accordingly, the Panel may wish to seek technical peer review support from a hydrogeologist. However, TIL does not consider that this warrants an increase in the time for a decision to be made on the application.

Factual complexity:

18. TIL acknowledges that the application is supported by a comprehensive suite of technical reports spanning a wide range of specialised fields. However, the overall level of information accompanying the application is moderate for a Fast-track application.

19. As above, some of the technical assessments forming part of the application, are specialised and complex, suggesting that the Panel should appoint a technical expert to provide advice relating to hydrogeology.

Key issues:

20. A table of key issues that have arisen as a result of the previous RMA process and during pre-lodgement, including TIL's position on these issues, is included as Appendix G of the application. A high-level summary is set out at paragraph 40 of the application Memorandum. TIL's position on the key issues has not changed.
21. All of these issues ultimately relate to conditions of the resource consents and the term of the resource consents. The issues have been substantially narrowed through the previous RMA process.
22. In respect of TIL's previous RMA application, all requests for information and all other issues arising through that process have been addressed robustly in the FTAA application by way of clarifications, updates and expansions of technical assessments, and changes and clarifications to the suite of resource consent documents (and conditions) sought.

Whether the proposed consent conditions are accepted:

23. The draft resource consent conditions included in TIL's application are based on the set of conditions imposed by the Independent Hearing Panel that determined TIL's RMA application. In turn, those conditions were based on TIL's existing resource consents for the Central and Southern Blocks of the Mine (which it is continuing to rely on).
24. As part of this application, TIL's planning experts have made additional changes to the conditions to address key issues raised by stakeholders during pre-application consultation, to further refine and rectify workability issues.¹
25. The conditions have not been agreed to in full with any party. However, TIL anticipates there will be a limited number of conditions in contention (and that these will relate to the key issues identified above). This is because most

¹ Application Memorandum dated 5 December 2025 at paragraph [38].

parties that TIL consulted with as part of the application supported the conditions imposed by the Independent Hearing Panel (on which TIL's proposed conditions are based). Further, TIL met with WRC in the week of Monday 27 October 2025 to discuss the proposed conditions and the parties are close to agreement. TIL intends to engage further with WRC in attempt to agree on a set of conditions.

26. TIL has proposed a standard set of conditions for the archaeological authority and has not proposed any conditions for the wildlife approval but anticipates that a standard set of conditions will be imposed. TIL is willing to discuss conditions directly with both Heritage New Zealand and the Department of Conservation.
27. There are several draft management plans filed with the application.² These have not been agreed by any parties to date.

Panel membership:

28. At paragraphs 98 – 101 of the Application Memorandum, TIL provided suggestions of appropriate knowledge, skills and expertise relevant to the appointment of the Panel. To summarise, TIL respectfully suggests that the Panel consider appointing persons with:
 - (a) Knowledge of the relevant planning context (particularly the Waikato Regional Plan and Waitomo District Plan);
 - (b) Independent background knowledge of the Mine's operations (TIL has identified an environmental lawyer in its Application Memorandum who falls in this category);
 - (c) Considerable decision-making experience, given the lengthy consenting history and the critical nature of the application (the Mine will need to close if the application is not approved); and

² Appendix T – Draft Environmental Management Plan, Appendix U – Draft Harvest and Earthworks Management Plan, Appendix X – Archaeological Authority Bundle (which includes the Draft Archaeological Management Plan), Appendix DD – Draft Natural Inland Wetland Buffer Management Plan, Appendix EE – Draft Lake Level and Water Management Plan, Appendix KK – Wildlife Approval Application Bundle (which includes the Draft Lizard Management Plan).

- (d) Civil engineering expertise given the technical nature of the mining and coastal activities.
29. TIL also notes that one member of the Panel must have an understanding of te ao Māori and Māori development (Schedule 3, clause 7, FTAA).
30. TIL considers that a Panel of four, combining the above knowledge, skills and expertise, will be sufficient for the application.

Procedural requirements:

31. TIL is willing to participate and engage with the Panel to advance the application in an efficient manner given the timeframes involved and the scale of the process. TIL expects that the use of expert conferencing, direct discussions between parties and potentially issue-specific mediation sessions on specific issues could be useful to narrow issues. These processes are likely to be most useful after written feedback has been filed by invited parties, any further information requests have been responded to, and any technical assessments have been obtained by the Panel.
32. For the reasons set out at paragraph 103 of the Application Memorandum, TIL considers that it will be possible and appropriate to determine the application without the need for a hearing.

Timing of decision:

33. In the Application Memorandum TIL indicated that the default statutory period for processing of applications under section 79(1)(b) of the FTAA is likely to be insufficient to enable determination of the application, and instead a slightly extended timeframe should be applied.³ TIL's position in this respect has not changed.
34. TIL respectfully requests the Panel Convener sets a timeframe of 45 working days for the Panel to issue its decision under section 79(1)(a). TIL considers that this is a realistic timeframe, considering the complexity of the application, including the fact that the Project relates to an existing Mine where the

³ We note that there is an error in the Application Memorandum at paragraph 105 which reports that an extended timeframe should not be applied. This paragraph should be disregarded.

activities, effects and stakeholders are well known and development of the resource consent conditions is already well advanced.

35. It is also noted that a period of 45 working days was applied to the Drury Quarry Expansion Project and a period of 37 working days was applied to the Kings Quarry Expansion – which are broadly similar projects in terms of the nature of the activities (resources sector), their complexity, and their relationship to an existing activity.
36. There are some statutory processes that will likely coincide with the processing of TIL's application. These processes will involve TIL and key stakeholders interested in TIL's application. This includes mediation on the Waikato Regional Coastal Plan appeals (scheduled on various days across May - September) and mediation in respect of TIL's Environment Court appeal (which is currently being scheduled for two days in July and further explained below). The 45 working day timeframe proposed has taken these processes into account.

UPDATE ON THE STATUS OF TIL'S ENVIRONMENT COURT APPEAL

37. As set out in detail the Application Memorandum, the re consenting of the Central and Southern Blocks of the Mine has a long history.⁴ By way of summary:
 - (a) TIL currently operates the Mine under a suite of regional resource consents which expired on 31 December 2020.
 - (b) In advance of these existing consents expiring, TIL applied to WRC for all necessary resource consents to replace them. The application was made between 3 - 6 months before their expiry and WRC exercised its discretion to allow TIL to continue to operate in reliance on these consents under section 124(3) of the RMA.
 - (c) As noted already in this memorandum, following a hearing on the RMA application, on 22 November 2024 an Independent Hearing Panel granted TIL the majority of the resource consents required for TIL to continue its mining operations. However, the resource consents granted do not authorise fundamental parts of TIL's

⁴ Application Memorandum dated 5 December 2025 at paragraphs [16] – [30].

existing operations and would make the ongoing operation of the Mine unviable.

(d) TIL appealed parts of the decision to the Environment Court on 12 December 2024. The FTAA was enacted shortly after the appeal was filed listing the Project in Schedule 2. For various reasons, all set out in the Application Memorandum, TIL decided to pursue the necessary approvals to continue its operations in the Central and Southern blocks by way of the Fast-track process.

38. At the time the application was filed, TIL's appeal remained on hold in the Environment Court to allow the application to be accepted for processing by the EPA. As set out in the Application Memorandum, TIL's intention was to withdraw the appeal once the application had been accepted, and to continue to rely on its existing resource consents while its Fast-track application was being processed (under section 95 of the FTAA).
39. However, shortly before TIL's application was filed, WRC indicated that it considered section 95 of the FTAA could be interpreted in a different way, and that if TIL withdraws its appeal⁵, it may no longer be able to rely on its existing resource consents as intended. WRC has further indicated that if this were to occur, it would "have duty to consider enforcement action in the event that the activity was not consented".
40. TIL remains firm in its view that section 95 enables it to 'transfer' into the Fast-track process and continue to rely on its existing resource consents (and associated rights under section 124(3) of the RMA) while a corresponding Fast-track application is being processed (even if that right would have expired or been surrendered under the RMA). The EPA has also advised that it considers that section 95 "does appear to be engaged", providing for the exercise of existing approvals while applying under the FTAA.
41. However, given the issue raised by WRC, and because it is critically important that TIL continues to have its existing resource consents in place to operate, TIL decided to request that the appeal remain on hold while its Fast-

⁵ Having first surrendered the resource consents granted by the Independent Hearing Panel in 2024, which are subject to appeal.

track application is being determined. However, on 13 February 2026, the Environment Court directed that the appeal proceed to mediation to progress the matter to hearing. The Presiding Judge did not engage on the issue of the application of section 95.

42. While it was never TIL's intention for the appeal to remain 'live', during the Fast-track process, TIL wishes to advise the Panel Convener and the Panel that:
- (a) TIL engaged with the EPA in terms of keeping TIL's appeal on hold and has confirmed with the EPA that this will not create any issues for the processing of its application – this correspondence can be provided, if helpful;
 - (b) For certainty, TIL will agree to a 'general' consent condition requiring TIL to surrender the resource consents that are now subject to appeal before TIL may exercise any resource consents granted by the Panel;
 - (c) It is unlikely that the appeal would be resolved before a decision on TIL's application is made. Dates for mediation in July are currently being provided to the Environment Court by the parties; and
 - (d) TIL is continuing to engage with WRC in respect of the interpretation of section 95 in an attempt to bring the appeal an end.

OTHER MATTERS

43. The Ministry for the Environment (**MfE**) has prepared a report under section 18 of the FTAA setting out the relevant Treaty Settlements and other obligations. As part of that report, and as required by section 18(2)(k) of the FTAA, MfE has identified a range of Māori groups as having relevant interests "in the project area". MfE has indicated that it may be challenging to locate contact details for all of the parties it has identified for the purposes of inviting them to comment but has provided the list for context and completeness.
44. TIL has identified a number of these parties in its application as being parties potentially affected by the application, because of their proximity to the Mine or because they are groups the represent local iwi. However, there are

parties on MfE's list, as set out below, that TIL does not consider to have an interest in the project area because:

- (a) their interests do not appear to be affected by the Project;
- (b) their interests are not located in proximity to the Mine; or
- (c) TIL is otherwise unaware of the group and their interest.

45. No explanation has been provided by MfE to confirm why each of these groups is considered to have an interest in the project area.
46. TIL does not consider that these parties should be invited to comment on the application (under section 53(3) of the FTAA) unless adequate justification is provided by MfE and/or the Panel as to why they have a sufficient interest in the project area / application.
- (a) Taharoa A1B1B2 Trust;
 - (b) Taharoa A2A1 Trust;
 - (c) Arohaki Trust;
 - (d) Owners of Old Land Claim 400;
 - (e) Owners of Taharoa A1B1A;
 - (f) Taharoa A1C13 Trust;
 - (g) Taharoa Tukua Ahu Whenua Trust;
 - (h) Taharoa A8 Trust and the Piwa Tohi Awhina Māori Reservation Trust as they are already represented by the Aruka Marae; and
 - (i) Taharoa A7J5B Trust.
47. While this may not be an issue for the Panel Convener conference, TIL considered it appropriate to raise this issue for completeness. It intends to bring this issue to the attention of the Panel once appointed.

CONFERENCE ATTENDEES

48. The following attendees will be present at the Panel Convener's conference on behalf of TIL:
- (a) Stephanie de Groot – Counsel (MinterEllisonRuddWatts);
 - (b) Holly-Marie Rearic – Counsel (MinterEllisonRuddWatts);
 - (c) Jared Pettersson – Project Manager (Enviser); and
 - (d) Grant Eccles – Lead Planner (Tonkin & Taylor).

CONCLUSION

49. TIL's representatives will address the matters raised in this memorandum and the Application Memorandum at the Panel Convener's conference.

DATED this 18th day of March 2026



**Stephanie de Groot / Holly-Marie
Rearic**
Counsel for Taharoa Ironsands Limited