

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 8 May 2026

MinterEllisonRuddWatts.

PO Box 105 249 Auckland City 1143

Solicitor acting: Tom Atkins [REDACTED]
Partner responsible: Stephanie de Groot | [REDACTED]

MAY IT PLEASE THE PANEL

1. We refer to Minute 7 of the Expert Panel dated 6 May 2026 (and amended on 7 May 2026). Minute 7 records the Panel's proposed appointment of Mr Julian Williams as mātanga (cultural expert) to assist the Panel, including to facilitate a hui following receipt of comments on the Central and Southern Block Mining Project (**Application**).
2. The Panel has invited comments from all parties invited to the Panel Convenor Conference on the following matters by Friday 8 May 2026:
 - (a) The proposed appointment of Mr Williams; and
 - (b) The proposed scope of Mr Williams' work as cultural expert.
3. This memorandum provides comments on behalf of Taharoa Ironsands Limited (**TIL**) in response to those matters. TIL also raises a number of significant procedural concerns arising in connection with the proposed hui, including:
 - (a) The exclusion of The Proprietors of Taharoa C Block Incorporated (**Taharoa C**), the Māori incorporation that acts as kaitiaki on behalf of the approximately 2,200 Māori shareholder/landowners, from the invitation to comment in Minute 7;
 - (b) The timing, location, attendees, scope and broader procedural framework of the proposed hui; and
 - (c) [REDACTED].
4. TIL emphasises the importance of ensuring that any hui is conducted in a fair, transparent and safe manner. These concerns are heightened by the Environmental Protection Authority's (**EPA**) involvement in a recent hui at Te Kooraha Marae on Saturday 2 May 2026, at which TIL understands the Application was discussed. TIL was not invited to attend the hui and it proceeded notwithstanding TIL having raised concerns as to its appropriateness. In TIL's view, the EPA's involvement in that process has materially undermined confidence in the fairness and integrity of this process

and brings the EPA's independence into question. Further detail regarding that hui is provided below.

5. In light of the above, TIL respectfully requests that the Panel give careful and serious consideration to the issues raised in this memorandum when determining next steps, including the process, structure, and safeguards applicable to any proposed hui.

APPOINTMENT OF MR WILLIAMS

6. TIL considers that Mr Williams is suitably qualified and experienced for the proposed mātanga role:
 - (a) Mr Williams is experienced in developing mana whenua reports, cultural assessments, technical advice and facilitation in the Waikato region and has 26 years' experience in environmental planning working with, and mediating policy and consenting matters between councils and mana whenua;¹
 - (b) Mr Williams has led mana whenua engagement in respect of plan changes for Hamilton City Council;² and
 - (c) For the work Mr Williams is currently engaged in as set out at paragraph 2 of Minute 7.
7. TIL understands that Mr Williams is of Ngāti Makirangi descent, a hapu of Waikato iwi, and that he has worked for Waikato Tainui in the past as an advisor for the Waikato River Settlement, technician to the Freshwater Iwi Leaders Group (including the architecture of Te Mana o te Wai) and general manager for the implementation of settlement tools and obligations.³
8. TIL notes that the Panel has invited Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) to comment on the Application. Accordingly, TIL would expect that any affiliations to Waikato-Tainui and the people of

¹ Statement of Evidence of Julian Williams on Proposed Plan Change 23 to Operative Hamilton City District Plan dated 20 December 2022 at paragraphs [1] – [3].

² Ibid at paragraph [4].

³ Ibid at paragraph [3].

Taharoa, and any conflicts of interest, are declared and considered by the Panel before confirming Mr Williams' appointment.

9. There may be different views on the Application between Taharoa C, other Māori groups with an interest in the Project, and between and within whanau. For this reason, it is important that the mātanga is independent.

EXCLUSION OF TAHAROA C FROM COMMENTING ON MINUTE 7 AND SCOPE OF MR WILLIAMS' WORK

10. In Minute 1, the Panel stated that it had decided that:⁴

a hui (or equivalent process determined in accordance with tikanga) should be held following the receipt of comments on the application and is minded to appoint a cultural advisor to assist both in arrangements for this hui and for advice on tikanga Māori and Treaty settlements frameworks generally

11. The Panel reaffirmed, and expanded, the scope of the mātanga's role in Minute 7, stating as follows:⁵

The Panel is requesting that Mr Williams assists us in arrangement for [a hui held following receipt of comments on the application] and provides advice on tikanga Māori and Treaty settlements frameworks generally. Our expectation is that provision of this advice will include engagement by Mr Williams with mana whenua including the local Marae, on issues of venue and tikanga for the hui.

12. The Panel has invited comments on this scope of work from all parties invited to the Panel Convenor Conference to comment on Minute 7. These parties include:⁶

- (a) TIL;
- (b) Department of Conservation;
- (c) Heritage New Zealand Pouhere Toanga;
- (d) Waikato Regional Council;

⁴ Minute 1 of the Expert Panel dated 14 April 2026 at paragraph [8(g)].

⁵ Minute 7 of the Expert Panel date 6 May 2026 at paragraph [4].

⁶ Minute 2 of the Panel Convener dated 13 March 2026 at paragraph [3].

- (e) Waitomo District Council;
 - (f) Te Nehenehenui Trust;
 - (g) Te Whakakitenga o Waikato Incorporated; and
 - (h) Te Ohu Kaimoana.
13. Given the focus of the mātanga's work on cultural matters and the arrangements for a hui, TIL is concerned that the invitation to comment has been limited to the above parties only. In particular, Taharoa C has not been invited to comment, despite its role as kaitiaki of the land on behalf of approximately 2,200 Māori landowner shareholders. Those shareholders collectively own the land on which the Mine operates and rely significantly on its activities to support their community.
14. Taharoa C must be provided with an opportunity to provide feedback on the approach of any hui which will shape how the cultural issues in respect of the Application are framed. For the reasons set out above, it is essential that Taharoa C's voice is heard and given weight. The relationship between Taharoa C, the Mine and TIL is unique. Taharoa C was instrumental in the establishment of the Mine, and the Mine is the foundation of the socio-economic well-being of Taharoa C's landowner/shareholders. Taharoa C must not be denied any opportunity to be involved in the Application, which success it relies on to support its people.
15. In the absence of being asked to comment on Minute 7, TIL has engaged with Taharoa C to seek its views. Taharoa C has expressed a strong desire to engage with the application process, including any hui, and this submission reflects Taharoa C's views and wishes, as well as those of TIL.
16. Accordingly, TIL requests that the Panel:
- (a) Amends the scope of Mr Williams' work to specifically engage with Taharoa C on issues including venue and tikanga for the hui; and
 - (b) Invites Taharoa C to comment on all future minutes and proposals relating to the Application, and particularly in relation to any hui and other cultural matters.

CONCERNS ON PROPOSED APPROACH TO HUI

17. Minute 7 does not provide details or certainty about any of the following matters in respect of the proposed hui:

- (a) purpose;
- (b) location;
- (c) attendees;
- (d) how parties will be represented (and by whom); or
- (e) how matters discussed will be considered by the Panel.

18. TIL’s view is that these matters must be conveyed to the parties in sufficient detail, with the opportunity to provide feedback, before any further steps are taken in respect of the hui.

19. Related (but not limited) to the above matters, TIL has a number of concerns that it wishes to bring to the Panel’s attention and urges the Panel to seriously consider with respect to arrangements for the hui:

(a) [REDACTED]

- [REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]

- (b) **Attendees:** TIL’s position is that careful thought must be given to who is invited to attend the proposed hui. As the applicant, TIL and its representatives should be invited to attend, along with Taharoa C, given its ownership and connection to the Application site and interest in the project. Taharoa C and its landowner/shareholders (of which there are 2,200) may wish to individually have their voices heard and attend the hui in person, which TIL supports. However, this obviously raises a question regarding the practicality of a hui.

- (c) **Location:** TIL anticipates that a local marae in Taharoa, nearby to the Mine, may be considered as the venue for a hui – such as Te Kooraha Marae or Aruka Marae. However, these marae (like the Mine) are in a remote location approximately two hours southwest of Hamilton, with limited access, other than by a poor road. This will limit the ability of parties to attend. From TIL’s perspective, a more central and accessible location – such as Hamilton – would be more appropriate and better promote fair and meaningful participation by all invited parties. A Hamilton-based venue would also reduce travel burdens and assist in managing the constrained timeframes imposed by the Fast-track process.

(d) **Timing:**

- (i) Taharoa C has indicated a strong desire to TIL to participate in any hui, which TIL supports given that Taharoa C's views are central to understanding the cultural effects of the Application. However, TIL understands that Taharoa C has its Annual General Meeting (**AGM**) scheduled for 31 May. Both the AGM and any hui will require shareholders to take time away from their usual commitments, and Taharoa C will also need sufficient time following the AGM to prepare for meaningful participation in the hui. In these circumstances, holding the hui on the proposed date could materially limit shareholders' ability to attend and to engage effectively.
- (ii) The Panel has allowed only three working days following TIL's response to comments on the Application for TIL to prepare for the hui. Prior to 27 May, TIL's focus will understandably be on responding to the comments received. Although work to prepare for the hui could be undertaken prior to receipt of comments, in the absence of clear direction from the Panel as to the nature and format of the hui, TIL is not able to do so at this stage.
- (iii) The Panel has also not contemplated that TIL may suspend the Application. TIL intends to assess whether this is necessary to enable it to properly respond to comments received on the Application. If this step is taken, then the date for the hui will need to be reconsidered.

(e) **Duration:**

- (i) As noted above, at the hearing on TIL's 2024 Application, submitters were allowed to speak at the marae with limited time restriction and late into the evening, meaning the hearing eventually concluded at 11:15pm. This is virtually unheard of and, [REDACTED] Submitters were also allowed to call a number of witnesses who had not previously been identified to the Panel. Many of these witnesses were locals who had not been notified of the

application and therefore were not submitters. The failure to focus and control submitter presentations caused the hearing to run overtime and into the night. By contrast, TIL's case was more controlled and many of TIL's witnesses, including Mr Coffey (TIL's Managing Director), were subject to time limits on their presentation time.

- (ii) It is essential [REDACTED] and procedural perspective that this approach is not repeated. The Panel must allocate sufficient time and ensure that invited parties are given a strict time limit for any presentations. While TIL recognises the importance that invited parties are heard, in the interests of fairness, equal opportunity must be given to all parties who are invited to the hui and would like to speak. Participation in the hui must also be managed in an efficient and cost-effective manner, aligned with the purpose of the Fast-track Approvals Act 2024.
- (f) **Fair process:** If the Panel intends to hear from mana whenua, it is not clear whether any comments provided in relation to the Application are to be treated as formal evidence and, if so, what weight will be attributed to such comments in the Panel's determination of the Application. If evidence is provided to the Panel, it is critical from a natural justice perspective that TIL and Taharoa C are present and provided with an opportunity to respond to any matters raised. If parties are to be represented by counsel, the same opportunity must also be afforded to TIL.
- (g) Further, there also appears to be some overlap in the representatives associated with the parties who have been invited to comment on the Application, with limited information available as to the nature and scope of the authority under which individuals are acting. By contrast, members of the Management Committee of Taharoa C derive their authority through election by landowner members at a duly convened AGM – and they have clear authority to speak on behalf of the shareholders. To support a fair and effective hui process, it is important that the mandate of individuals representing participating groups is clear.

(h) **Necessity:**

- (i) As the Panel is aware, a substantive hearing on TIL's RMA application has already been held, including a hearing day at Aruka Marae. For this reason, the content and scope of the Application is well known and understood by key parties who have been invited to comment on the Application. TIL has also consulted with these parties in respect of its Fast-track application.
- (ii) These parties, including the local Marae and other Māori groups, will also have the opportunity to express their views on the Application through the invitation to comment.
- (iii) The Panel and the mātanga also have the benefit of the Ministry for the Environment's report prepared under section 18 of the Fast-track Approvals Act 2024 (**FTAA**) on "Treaty settlements and other obligations" dated 11 March 2026 (**Section 18 Report**).
- (iv) Mr Williams' role could readily be achieved by advising the Panel on how to appropriately consider and respond to information received from the Applicant, parties invited to comment on the Application and MfE's Section 18 Report.
- (v) It is therefore not clear to TIL whether the proposed hui is necessary or will achieve the objectives of the FTAA, and it would seem to be inconsistent with the FTAA's procedural principles including the requirement to take all practicable steps to use timely, efficient, consistent, and cost-effective processes that are proportionate (per section 10(1) of the FTAA).

20. If the proposed hui progresses, TIL requests that:

- (a) Mr Williams meaningfully engages with Taharoa C on all matters in relation to the hui (for the reasons set out above);
- (b) Taharoa C and TIL are invited to attend and present at the hui; and

- (c) The procedural and other concerns raised above are considered and carefully managed by the Panel.

CONCERNS REGARDING EPA REGIONAL HUI AT TE KOORAHA MARAE

21. On Saturday 2 May 2026 the EPA led a regional hui at Te Kooraha Marae. We understand the hui was intended to be part of the EPA's Te Herenga national initiative.
22. TIL only became aware of the hui late last week after a casual enquiry was made about the hui to one of its advisers.
23. Material describing the hui stated that the attendees at the hui would include environmental practitioners, regulators, iwi, councils, industry and landowners at a location directly adjacent to the Mine. Online commentary noted that the hui would consider the long-term impact of ironsands mining. It was therefore inevitable that TIL's Application would be a topic of discussion among the attendees.
24. Despite being the largest (arguably only) industry in Taharoa, TIL was not invited to take part in the hui. Similarly, despite being the landowner, Taharoa C was not invited to take part in the hui.
25. Furthermore, TIL and Taharoa C received a request from [REDACTED] to allow access to the Mine site for a "lake wanaanga", which TIL duly approved. TIL understands that this request for access was linked to the hui. However, the request for access made no mention of the hui or the persons invited to attend the hui. When TIL realised that the request for access related to a hui at the behest of the EPA, which would inevitably address TIL's Application, TIL withdrew its approval to provide access.
26. Contemporaneously, TIL spoke to the EPA on Thursday 30 April to understand the event further and express TIL's concerns about the EPA's participation in the hui in the context of the need for a proper process for TIL's application. TIL then wrote to the EPA twice on Friday 1 May 2026 requesting that the EPA cease involvement in the hui and that the EPA immediately notify the Panel of what has occurred and set out the remedial steps proposed to be implemented to safeguard the Application process.

27. The EPA responded to TIL's letter on 1 May and advised that the hui would go ahead. The EPA advised that the hui was not connected to the EPA's functions under the FTAA, and individual Fast-track applications would not be discussed at the hui.
28. It cannot be separated that the Application is currently being administered by the EPA (who is responsible for ensuring a proper and lawful process), and the EPA has invited relevant parties to comment on the Application (including Te Kooraha Marae).
29. Yesterday, TIL received an enquiry from a reporter from Māori TV who attended the hui at Te Kooraha Marae on Saturday 2 May, where person(s) purportedly representing Ngāti Mahuta allegedly voiced opposition to the Mine in the presence of EPA personnel.
30. In TIL's view, given the current status of the Application, and the EPA's statutory role in ensuring a fit, proper, and lawful process, the EPA sponsoring, supporting and participating in the hui was a wholly inappropriate action for it to take.
31. TIL maintains that the EPA's involvement in this hui has brought into question the independence of the EPA and its ability to properly discharge its statutory functions in relation to the Application, undermining public confidence in the impartiality and lawfulness of the Fast-track regime. It also prejudices TIL, Taharoa C, and the Application.

DATED this 8th day of May 2026



Stephanie de Groot / Tom Atkins
Counsel for Taharoa Ironsands Limited