
MINUTE 24 OF THE EXPERT PANEL

Further Suspension of Processing and Alternative Processing Proposal
Central and Southern Block Mining Project [FTAA-2512-1153]

(20 August 2026)

- [1] This Minute addresses a further request for suspension of processing of the Application and an alternative process proposed by the Applicant for matters arising from the Panel Facilitated Conference(**PFC**).

Further Request for Suspension

- [2] On 14 August 2026, the Panel received a memorandum from the Applicant (**Memorandum**) requesting a further suspension of processing to allow time for an Applicant-led response to the Panel's further request for information (**Further RFI**) issued following the PFC.
- [3] Rather than expert conferencing as directed, the Applicant proposes that the response, including proposed conditions and an accompanying rationale addressing a number of the matters covered in the Further RFI, is to be prepared by the experts retained by the Applicant's expert team, following which feedback would be sought from the section 53 parties on the Applicant's response.
- [4] The Applicant and its expert team would then consider any amendments or clarification sought by the other parties and update the conditions to the extent considered appropriate. Where amendments are not included, the Applicant would provide the reasons for that as part of the Further RFI response. The Memorandum records that if desired by the Panel copies of all feedback received can be provided along with the RFI response.
- [5] The Memorandum provides specific details of how this revised process would be completed for the following Further RFI matters:¹
- (a) RFI 1 (Mitiwai Stream minimum environmental flow);
 - (b) RFI 2 (8.53m RL cease take trigger);

¹ This list adopts the numbering in the Memorandum, now reflected in the reissued Updated Further RFI attached as part of **Appendix A** to this Minute.

(c) RFI 4 (matters recorded in Joint Witness Statement (JWS) dated 6-7 July 2026);

(d) RFIs 9 and 10 (air discharge permit)²; and

(e) RFI 11 progressive dust stabilisation and rehabilitation.

- [6] The essential concern of the Applicant behind this revised proposal for these Further RFI matters is that the Applicant needs to be included in the development of conditions given its uniquely informed and deep understanding of the operational and practical elements of the mine, which must be factored in to ensure the conditions are fit for purpose, reasonable and operationally feasible. The Memorandum states that it is not practical for such critical input to be provided as part of expert conferencing. In relation to RFI 11, the Memorandum advises that the response will require a revision of the mine staging plan, being a complex exercise which will take further time to complete.
- [7] The Applicant has also considered the time required for this alternative process and calculates that a further 22 working day suspension (on top of the suspension currently in place) is required. The Applicant requests that the Panel exercise its discretion to suspend the processing of the Application in accordance with section 64 of the FTAA for that period.³ Interim milestones were indicated together with a new final decision date of Monday 9 November 2026.
- [8] The Panel has sought comments from the section 53 parties in relation to the Applicant's proposal. Comments were received from Te Ruunanga o Ngaati Mahuta ki te Hauaauru, Te Nehenehenui, Maketuu Marae, Te Kooraha Marae and Aaruka Marae (Marae comments jointly provided), Department of Conservation and Waikato Regional Council.
- [9] The comments were unanimous in their preference for the process directed by the Panel which was for the experts to confer in relation to the above Further RFI matters and a Joint Witness Statement (**JWS**) to be provided with proposed conditions, either agreed or if not agreed then the reasons for the divergence of opinion provided in the JWS.⁴ The parties were concerned about the revised process being principally driven by the Applicant rather than in a collaborative manner between the respective experts on an equal footing, independently of party positions. They note that operational considerations can still be addressed as part of the process directed by the Panel,⁵ or instead at the outset

² Noting that in Minute 22 (Appendix 1) RFI 9 and 11 were for the Applicant alone to respond to, as originally directed.

³ The Memorandum refers to s 62, but it is assumed the intended reference is to s 64.

⁴ Refer paragraph [4] of Minute 22.

⁵ Refer Ngaati Mahuta response, presumably referring to the directions in Minute 23 whereby the Applicant is afforded a right of reply to the PFC outcomes once this overall process is complete.

(before expert conferencing).⁶

[10] However, the responding parties record that if the Panel is minded to adopt the Applicant's proposed revised process, their comments should be directly provided to the Panel. The parties considered that this would ensure that the Panel receives the views of all parties directly and transparently, rather than through an Applicant-managed process. We note as recorded above that the Applicant had offered to provide all feedback received, and its response to those comments, to the Panel as part of its proposed alternative process.

[11] Having considered the Applicant's revised proposal and the comments received from the parties, we have decided to modify the process in a way we consider is fair and transparent to all parties, maintains the benefits of conferencing between the respective independent experts, and provides for input from the Applicant directly at both the outset and conclusion of the process:

- (a) The Applicant's proposed conditions on the above Further RFI matters⁷ and accompanying rationale (including input from the Applicant's representatives from an operational perspective) is to be provided to the other parties and filed with the EPA by 11.59pm on 8 September⁸. This must include the Applicant's proposed conditions and accompanying rationale for RFI 13⁹ and RFI 18 (as addressed below);
- (b) Expert conferencing to proceed on those matters as originally directed in Minute 22 (but now including RFI's 13 and RFI 18), with JWS' addressing these Further RFI matters directly, to be filed with the EPA by 11.59 pm on 22 September¹⁰; and
- (c) The Applicant's response to all other aspects of the Further RFI along with any response to the outcomes of conferencing under (b) above, to be filed with the EPA by 11.59 pm on Thursday 1 October.¹¹

[12] The Applicant's request for a further suspension to 1 October is granted on this basis.

[13] Consequential amendments to the timetabling directions issued in Minute 23, are then required as follows:

- (i) The Applicant's written response to matters discussed at the hui at Aaruka Marae and any other matters arising from the PFC is due on

⁶ Department of Conservation response.

⁷ For the avoidance of doubt, excluding RFI 9 and 11, which are for the Applicant to respond to, as originally directed in Minute 22 (Appendix 1).

⁸ The date proposed in the Memorandum for the Applicant's draft RFI response on these matters (paragraph 25(a)).

⁹ Included in Addendum 1 to Appendix 1 dated 30 July (refer Appendix A to this Minute).

¹⁰ The date proposed in the Memorandum for the other parties' feedback to TIL's responses (paragraph 25(b)).

¹¹ The date proposed in the Memorandum (paragraph 25 (c))

Tuesday 6 October 2026 and the in-person presentation in respect of these matters will take place on Thursday 8 October 2026 (at a time convenient for the Panel);

- (ii) The Panel's draft decision and conditions will be due on Wednesday 21 October 2026; and
- (iii) The Panel's decision on the Application will be due on Monday 9 November 2026.

Related Matters

Air Permit

- [14] The Panel has considered the response of both the Applicant and Waikato Regional Council on the matter of the Air Permit.
- [15] The Panel nevertheless currently remains of the view recorded in the Further RFI that an air permit is needed, based on consideration of the evidence and information received to date alongside the permitted activity performance standards (being as set out in the Regional Council's response). Further reasons for that finding (assuming confirmed) will be recorded in the Panel's draft decision.
- [16] The Panel also considers that as a matter of best practice and good resource management administration, consent conditions addressing the discharge of particulate matter into air should be included in an air discharge permit, rather than within a land disturbance consent.
- [17] Regardless of where the relevant conditions are to be accommodated, the Panel's Further RFI for the drafting of air permit conditions (including good practice conditions of consent for managing dust) stands, albeit for response in the modified manner recorded elsewhere in this Minute.
- [18] On the issue of scope raised in the Regional Council's response, the Panel considers that the case law cited by counsel is readily distinguishable, including the *Kaiuma Farm Limited v Marlborough District Council* decision.
- [19] It is clear on the face of the application material that an air discharge permit was sought. The Fast-Track Approvals Substantive Application Form at Part 3 (Type of approval(s) sought) records "discharge consent (other than coastal marine area)" which would cover an air discharge consent as well as discharges to land and water. The 13(4)(t) row in Checklist J (outline of the type of consents considered necessary) refers to pages 56-69 of the Substantive Application. The Substantive Application at pages 63 and 68 clearly states that an application for an air discharge permit is included (reserving the Applicant's

view that no such permit is required).

Further RFI Matter 18

- [20] On 13 August an addendum to Minute 22 was published on the EPA website titled 'Addendum 2 to Appendix 1'. The Panel wishes to add a further item to that addendum (RFI 18). This item follows from the PFC agenda and is in relation to hydrogeological matters that are to be considered by the relevant experts as part of the forthcoming conditions. The amended Addendum 2 to Appendix 1 is appended to this minute (within Appendix A). For the avoidance of doubt, Appendix A comprises all matters the Panel is seeking information on (Updated Further RFI as sequentially numbered).

Directions

- [21] The Panel has considered the memorandum from the Applicant and decided to grant the request for the 22 working day suspension on the basis outlined above. Should our proposed amended alternative approach require additional time to that requested, we invite the Applicant to advise accordingly.



Dave Serjeant
Central and Southern Block Mining Project Expert Panel Chair

Appendix A

PFC Updated Further RFI (including RFI numbers)

PFC Updated Further RFI Addendum 1

PFC Updated Further RFI Addendum 2