

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
in response to Minute 25

Dated 3 September 2026

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MAY IT PLEASE THE PANEL

1. We refer to Minute 25 of the Expert Panel dated 3 September 2026.
2. The Minute states that the Panel considers there to be a material information gap regarding the degree or significance of potential air quality effects, as well as the conditions required to manage those effects. The Minute further asserts that Taharoa Ironsands Limited (**TIL**) has declined to provide requested information concerning published emissions factors for mining activities. As a result of these concerns, the Panel has decided to commission an independent report under s 67(1)(b) of the FTAA to address these issues.
3. TIL strongly objects to this decision and the conclusions drawn by the Panel which have ultimately led to that decision.

Adequacy of information before the Panel on air quality

4. TIL strongly rejects the Panel's assertion that there is a "material" lack of information in relation to the degree or significance of air quality effects and what conditions should be imposed to manage those effects.
5. The Panel has received extensive information on these matters from senior and well-respected air quality experts engaged by TIL (Mr Andrew Curtis) and Waikato Regional Council (**WRC**) (Mr Peter Stacey). Both Mr Curtis and Mr Stacey have been advising on air quality matters relating to the Taharoa Ironsand Mine for years – they are very familiar with the site, activities and potential effects.
6. The Panel has been provided with an Air Quality Assessment (Appendix S to the Substantive Application) prepared by Mr Curtis. This assessment has also been supplemented by Mr Curtis' responses to the section 53 comments, the Panel's RFI and questioning at the Panel Facilitated Conference (**Conference**). The Panel has also been provided with additional expert assessment by Mr Stacey as part of WRC's comments on TIL's application. Mr Stacey also attended and responded to questioning by the Panel at the Conference.
7. Further, Mr Curtis is currently in the process of preparing a comprehensive response to the Panel's further RFIs relating to air quality matters, including

conditions. His response will include additional reporting responding to issues raised at the Conference which are not addressed in the further RFIs. This includes further reporting on whether an air discharge permit is required. TIL advised the Panel that this information is being prepared. It is due to be provided to the Panel on 8 September 2026 and will then be subject to expert conferencing between Mr Curtis and Mr Stacey.

8. If the Panel requires further information from the air quality experts beyond this, then it is open to the Panel to ask for further information, or to provide for additional process steps to interrogate the evidence before it.
9. In this context, it is entirely flawed and premature to:
 - (a) conclude that there is a “material” lack of information in relation to the degree or significance of air quality effects and what conditions should be imposed to manage those effects; and
 - (b) to take steps to engage an independent expert to advise it on air quality matters (at TIL’s expense) on this basis.
10. To have formed this conclusion at this point in the application process, raises serious questions as to the basis for the Panel’s conclusion and whether the Panel has committed to a predetermined outcome or view.

Alleged refusal to provide information requested by Panel

11. As above, the Panel states that TIL has refused to provide information requested in its first request for further information (RFI),¹ specifically the Panel’s request that TIL use published emissions factors for mining activities to calculate how much PM₁₀ is discharged to air from existing and proposed mining operations.²
12. TIL, and its independent air quality expert, Mr Andrew Curtis, strongly reject the way that TIL’s response to the Panel’s RFI has been characterised. This is not what has occurred and misrepresents TIL’s response to the RFI.

¹ Appended to Minute 17 of the Expert Panel dated 17 June 2026.

² RFI 63.

13. Mr Curtis provided a response to RFI 63. The response set out, in detail and with supporting references to relevant industry and best practice guidance, the reasons why Mr Curtis, in his expert opinion, considered that the information requested by the Panel is irrelevant from an effects perspective, and ultimately serves no purpose and has no value in the Panel's determination of TIL's application.
14. TIL was not made aware of the Panel's concern with the RFI response prior to Minute 25 being issued. If the Panel did not consider that Mr Curtis' response was sufficient to address their concern, this should have been raised with TIL. The Panel could have contacted TIL directly, raised a further RFI or questioned Mr Curtis at the Conference. It did not take any of these steps, which were readily available to it and could have resolved the matter. Instead, the Panel has decided to engage an independent air quality expert to provide the information.
15. TIL has serious concerns that the Panel has committed to a view in respect of air discharge effects, and how they should be assessed, that differs from the evidence before it, and it is now seeking support for that view by engaging another air quality expert.
16. This is especially because it could have interrogated this issue further with the air quality experts already engaged in this process and it is clear that the Panel has a different view to TIL and WRC (and its experts) in respect of air discharge matters e.g. in respect of the relevance of emissions factor estimates and whether an air discharge consent is required.

Timing and disruption to the process

17. The Panel's decision to issue Minute 25 and commission a report from an air quality expert at this stage of the process is also highly disruptive.
18. TIL is currently mid-way through preparing responses to the Panel's further RFIs, including on air quality matters, which is an extensive and time intensive task. Adding the additional requirement to:
 - (a) consider the Panel's Minute and respond to it; and

- (b) ultimately respond to any report prepared for the Panel, complicates the current process and distracts TIL from responding in a fulsome manner to the Panel's further RFIs.
19. The timeframes proposed for TIL to accommodate a further site visit and respond to any report prepared for the Panel are also unachievable given the existing series of deadlines TIL is working to meet in responding to the Panel's further RFI. TIL's consenting team also query how the expert engaged by the Panel will have sufficient time to properly consider the matters the Panel has asked it to address.
20. TIL has lost confidence in the process that has been directed by the Panel.

DATED this 3rd day of September 2026



Stephanie de Groot / Tom Atkins
Counsel for Taharoa Ironsands Limited