

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 28 May 2026

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Partner responsible: Stephanie de Groot [REDACTED]

MAY IT PLEASE THE PANEL

1. We refer to Minute 11 of the Expert Panel dated 25 May 2026.
2. Minute 11 grants the request made by Taharoa Ironsands Limited (**TIL**) on Friday 22 May 2026 to suspend processing of TIL's substantive Fast-track application (**Application**) for a period of 17 working days under section 64 of the Fast-track Approvals Act 2024 (**FTAA**). Minute 11 also advises of a hui to occur on 8 June in relation to TIL's Application.
3. We respond to Minute 11 on behalf of TIL below.

SUSPENSION OF THE APPLICATION

4. In Minute 11, the Panel noted that it did not consider the comments on the Application warranted suspension for a period of 17 working days sought by TIL, but after receiving comments from the Department of Conservation, it determined that this was an appropriate timeframe.¹
5. There are two points that TIL wishes to clarify in response to the Panel's commentary in Minute 11:
 - (a) TIL originally indicated to the Panel that it required an additional 12 working days to respond to comments, which the Panel indicated it had no concerns or issues with. However, that indicative timeframe was subject to confirming its suitability with TIL's expert team. TIL went on to formally request a suspension of 17 working days after completing that consultation exercise. The additional five working days were sought to accommodate additional time required by one of TIL's experts to gather additional data in response to a request by WRC and to have that data analysed. This was signalled in TIL's memorandum of counsel requesting the suspension.²
 - (b) The availability of TIL's expert and legal team to respond to comments is one factor of many that influenced the timeframe requested by TIL for the suspension. TIL and its expert and legal teams are, of course, prioritising TIL's Fast-track application and

¹ Minute 11 of the Expert Panel dated 25 May 2026 at paragraph [7].

² Memorandum of Counsel on behalf of Taharoa Ironsands Limited dated 27 May 2026 at paragraph [5].

have anticipated and prepared for the comments and response period as much as is feasibly possible in the context of the very tight statutory timeframes.

6. We also acknowledge that the Panel has indicated that the hydrology / hydrogeology related request for further information will be issued this week, but other RFIs will be deferred until TIL's response to comments are submitted.³ TIL agrees that this is a practical approach.

PROPOSED HUI

7. In requesting the suspension of processing, TIL requested that all process steps including RFIs, the proposed hui and expert conferencing were deferred until after processing resumed.
8. In Minute 11 the Panel advised that it did not agree with TIL's request to defer the proposed hui.⁴ The Panel stated that Mr Williams has advised that all mana whenua parties who would be attending the hui have agreed that the hui will take place on 8 June 2026 at Aaruka Marae and, because of the commitment made by the parties to that date, the hui would proceed.⁵ This date is within the period that TIL requested that processing of its application be suspended.
9. The fact that a hui had been arranged on 8 June 2026 came as a complete surprise and disappointment to TIL. In Minute 7 the Panel expressly confirmed, in response to significant procedural concerns raised by TIL, that TIL would be consulted on the arrangements for the hui.⁶ However, this did not occur. Mr Williams had not (and still has not) reached out to TIL to discuss the proposed timing, location, attendees or procedure relating to the hui.
10. On 27 May 2026, TIL requested and received the following further information from the Panel regarding the proposed hui:⁷

³ Minute 11 of the Expert Panel dated 25 May 2026 at paragraphs [9] – [10].

⁴ Ibid [8] – [11].

⁵ Ibid at paragraph [11].

⁶ Ibid.

⁷ Email from Awesta Seddiqi, Application Lead on behalf of the Expert Panel dated 27 May 2026.

The Panel understands that you are seeking further details regarding the upcoming hui scheduled for 8 June 2026, as referenced in Minute 11 from the Panel.

The need for a hui to discuss cultural issues has been ongoing since the Panel Convenor Conference and remains current. A face-to-face hui has been identified as the most appropriate approach, as it provides an opportunity for iwi members to be heard directly. The Panel emphasises that this is not a hearing, but a hui conducted according to tikanga. Nevertheless, the presenters have asked whether there will be questions from the Panel. There may be questions, but these would not be at a detailed technical level.

The Panel notes the concerns raised by the Applicant in the memorandum dated 8 May 2026. In response, the Panel has engaged a cultural advisor to assist in organising the hui and to consider the cultural issues raised in a coordinated and structured manner. The advisor has consulted with all iwi, including Taharoa C to coordinate appropriate representation, including identifying the right participants and venue. There will also be an opportunity for the Applicant to speak at the end and are welcome to formally respond in writing post the hui. A draft agenda is included below.

Given the nature of the fast-track process and its tight timeframes, the Panel must proceed as efficiently as possible. Accordingly, the Panel requests an indication of the Applicant's availability to attend.

Draft Agenda:

10:00am – Pōwhiri / Whakatau

10:30am – Morning Tea

11:00am – Panel Introduction

- *Panel introduces themselves*
- *Overview of the day*
- *Explanation of the decision-making framework*
- *Guidance on key areas of interest and lines of questioning*
- *Acknowledgement of the hui, marae, and whānau for hosting*

11:20am – Speaker Order Facilitated by Julian

11:25am – Stakeholder Presentations

- *Waikato-Tainui Representative (TBC)*

- *Te Nehenehenui Representative (Tramaine Murray)*
- *Taharoa C Block (Chair – TBA following AGM)*

12:30pm – Lunch

1:00pm – Cultural & Community Presentations

- *Te Kooraha Marae (Taituwaha King) – focus on whakapapa and cultural landscapes*
 - *Supported by Fleur Passau (TBC)*
- *Te Rūnanga o Ngāti Māhanga ki Kawhia (John Kanawa and Verna Tuteao)*
- *Aaruka Marae (Melaina Huaki)*
- *Taharoa Lakes Trust (Ngahuia Herangi and possibly Nevada Huaki)*
- *Wetini Trust (Taina Malone)*
- *Marokopa (TBC)*

4:00pm – Applicant Response

- *Verbal response (with option to provide written response)*

5:00pm – Close

11. TIL remains concerned about the necessity, procedural approach, timing, location, [REDACTED] and consultation in respect of the proposed hui. These concerns are set out in more detail below:

- (a) **Necessity:** TIL does not consider the hui is necessary. The Māori groups that have been invited to the hui have already filed comments on the Application. The Panel itself observed in Minute 11 that these comments are "relatively succinct and well-coordinated rather than repetitive" and seek reinstatement of conditions that are known to TIL.⁸ The Panel also has 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

⁸ Minute 11 of the Expert Panel dated 25 May 2026 at paragraphs [7].

obligations” dated 11 March 2026. In this context, there is clearly no need for a hui – especially when considering the procedural principles set out in section 10(1) of the FTAA which require the Panel to take all practicable steps to use timely, efficient, consistent, and cost-effective processes that are proportionate (per section 10(1) of the FTAA). TIL is aware that Te Nehenehenui has requested an opportunity to address the Panel directly but queries whether this is necessary (for the reasons noted above) or how this has translated into a broader hui.

- (b) **Form of hui:** The Panel has indicated that the hui is not a hearing, but a hui conducted according to tikanga. However, the Panel has also indicated that the purpose of the hui is to provide an opportunity for iwi members to be heard and that the Panel may ask questions of the attendees. This format does appear to be a form of hearing, but one which has not been developed in accordance with sections 57 and 58 of the FTAA or the Panel Conveners’ Practice and Procedure Guidance, 22 July 2025. The format also does not appear to resemble a wānanga which TIL understands is typically grounded in shared learning, discussion, and collective engagement, and may in some contexts support movement toward shared understanding or agreement. For the record, TIL does not consider that a hearing is necessary or appropriate in relation to the Application, and has set out all the reasons it holds this view in our Memorandum of Counsel dated 5 December 2026.⁹ This issue is raised because of the lack of clarity about the procedural form and purpose of the hui and in the interests of ensuring procedural fairness.
- (c) **Consultation:** As noted above, TIL has not been consulted by Mr Williams in respect of the hui arrangements, contrary to the Panel's commitment in Minute 7. TIL set out a number of concerns about the proposed hui in our Memorandum of Counsel dated 8 May 2026. Following Minute 7, TIL legitimately anticipated that all relevant parties would be consulted about the arrangements for the hui before final decisions were made. Instead, TIL was advised of the confirmed location and date of the hui (after other parties had been

⁹ This is the covering memorandum filed with the Application.

consulted with but not TIL) via Minute 11 and was only provided with a draft agenda for the hui after it requested further information.

- (d) **Timing:** TIL requested the hui be deferred until after the suspension period to ensure that it would have sufficient time to prepare for and attend the hui – noting that at the time TIL made this request it was not aware that a hui had already been arranged and no details about the hui had been issued by the Panel. The Panel's assertion in Minute 11 that the suspension "negates any time related concerns" for TIL in relation to the hui is simply wrong: TIL's priority throughout the suspension period is preparing its technical response to comments, not attending and preparing for a hui. Furthermore, the sole Director and CEO of TIL, Mr Wayne Coffey, is unavailable to attend the hui on 8 June 2026.
- (e) **Location:** While Aaruka Marae is located in Taharoa near the mine, it is not a central or accessible location for many parties with an interest in the Application. It imposes material travel burdens and timing constraints on TIL's consenting team. This was raised in TIL's Memorandum of Counsel dated 8 May 2026. Procedural fairness requires that the venue be neutral and accessible to all parties. This is particularly important given the tight timeframes of the FTAA process and that the hui is taking place during the period that TIL requested processing be suspended to enable it to respond to comments.

[REDACTED]

- [REDACTED]
- [REDACTED]
12. For the reasons above, TIL declines the Panel's invitation to attend the hui.
 13. Notwithstanding TIL's non-attendance, TIL reiterates that the principles of natural justice require an opportunity for TIL to respond to comments made at the hui. The Panel acknowledged this in Minute 9¹⁰ and the draft agenda for the hui provides an opportunity for TIL to respond in person and/or in writing.
 14. Procedural fairness requires that the hui be recorded, in the same manner that the Panel Convenor Conference and Project Overview Conference were recorded, and that a full transcript be made publicly available on the EPA's website promptly after the hui.
 15. Accordingly, TIL requests that the following directions are made by the Panel:
 - (a) The hui is recorded (with video and sound) and a full written transcript is uploaded to the EPA's website promptly after the hui; and
 - (b) TIL is provided with a reasonable time period following publication of the recording and transcript (and after processing of the Application resumes) to respond to comments made at the hui.

DATED this 28th day of May 2026



Stephanie de Groot / Tom Atkins
Counsel for Taharoa Ironsands Limited

¹⁰ Noted in Minute 9 of the Expert Panel dated 13 May 2026 at paragraph [6].