

MINUTE 16 OF THE EXPERT PANEL

Record of Hui at Aaruka Marae

Central and Southern Block Mining Project [FTAA-2512-1153]

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[Start of Recorded Material: 0:00].

TRAMAINÉ
MURRAY:

Teenaa koutou, teenaa tatou katoa.

Firstly, I'd like to thank the whanau and the haukaaianga for welcoming us here today to have this hui and for hosting. I would also like to thank the expert panel for the opportunity to comment on the Application and for the time to hold the hui today and to listen directly to the whanau and to the people connected to this place that'll be affected by this proposal.

Ko wai au? Ko Tramaine Murray tooku ingoa. He uri teenei o Ngaati Maniapoto. Ko Ngaati Pari te Kawa me Ngaati Rahurahu ngaa hapuu. Ko Napinapi te marae.

My name's Tramaine Murray. I'm the GM for Settlement Protection Rights and Interests at Te Nehenehenui, the post-settlement governance entity for Ngaati Maniapoto. I'm also joined here by Leah Wyatt at the back. She's our taiao manager, and Cathy O'Callaghan here at the table with me. Kathy provides us with planning support.

We see this hui as a constructive opportunity to share our matters of concern openly and respectfully without the formality, although it feels a bit formal of a hearing process.

The role of Te Nehenehenui, we are the post-settlement governance entity under the Maniapoto Claims Settlement Act 2022. We represent and act on behalf of Ngaati Maniapoto me oona hapuu maha. The Settlement Act defines a statutory acknowledgement area that includes the coastal area adjacent to Taharoa C Block and the Mitiwai and the Wainui Streams within the mine's footprint.

Before speaking to the matters raised in our submission, I think it's important to explain why we are here. For many of our whanau and hapu who live with the impacts of these fast track decisions, there's little or no opportunity to have their voices formally considered through the fast track process. Our involvement follows tono from the whanau, from mana whenua to support their participation in this fast track process and to assist in ensuring that the matters of significance to Maniapoto and the wider whanau, including the protection of nga wai o Maniapoto are appropriately considered by the expert panel.

While TNN seeks assurance that the panel's decision gives full and substantive effect to the vision, principles and aspirations of the settlement, we do not seek to substitute our views for the views of mana whenua. Where there is a conflict between positions, we consider that the views of the whanau and of mana whenua will take precedence.

To clarify to the panel, Te Nehenehenui carries responsibilities across the whole of our rohe and obligations that arise through our settlement arrangements; however, mana whenua carry the inherited responsibilities of ahikaa and kaitiakitanga for their whenua and their way. We encourage the panel to look first to the views of mana whenua, whose connections are lived and will continue to carry those of responsibilities long after this fast track process is complete.

I'll just hand over now to Cathy who will speak to some of our technical matters in our submission. Kia ora.

[off topic chat]

CATHY

O'CALLAGHAN: Teenaa koutou katoa. Ko Cathy O'Callaghan tooku ingoa.

Again, I'm here to speak to the technical comments very, very briefly. Again, just to reshape what Tramaïne's said, this is obviously subservient to the views of mana whenua, so our comments are secondary in this respect.

Te Nehenehenui has provided technical comments on the Application. The panel will see from those comments that we do not agree with the Applicant that the adverse effects on the environment will be no more than minor. We also think that the conditions proposed by the Applicant are insufficient.

Our comments identify areas where we believe mitigation should be strengthened. For example, we are seeking a shorter consent duration, robust review conditions, reduced reliance on management plans, more external oversight and conditions that are enforceable, measurable and consistent with the obligations that are owed to ngaa wai o Maniapoto.

We think a strengthened approach is necessary in part because of the remoteness of the site, but also due to the potential environmental impacts and the history of non-compliance at the site, and our concerns regarding the completeness of rehabilitation measures to date.

As a bare minimum, it's our view that the conditions imposed by the 2024 Waikato Regional Council Hearing Panel decision should be applied. Just to note, we took some comfort from Mr Kelsey's peer review and the additional information requested from the Applicant. We also note that the review process is not yet complete from a hydrological perspective and it will include an assessment of additional information provided, proposed conditions, management plans and the matters that were raised by the submitters. We would like to thank the panel for commissioning that work.

TRAMAÏNE

*Te Nehenehenui,
transcribed by:*

MURRAY: Just in closing, Te Nehenehenui's position is not that the proposal could never be approved, we're not saying that. Our concern though is that the current Application does not provide sufficient certainty that the actual and potential adverse environmental effects will be appropriately managed on an ongoing basis.

For Te Nehenehenui, the key issue is assurance. We seek assurance that the panel's decision will give full and substantive effect to the vision, principles, and aspirations in our settlement. We seek assurance that the perspectives and responsibilities are fully considered in decision-making, those of mana whenua and of Maniapoto.

Finally, should this Application be granted, we seek assurance that the Applicant is required to avoid, remedy or appropriately mitigate any potential adverse effects on ngaa wai o Maniapoto and on the wider taiao.

We acknowledge the complexity of the issues facing the panel where making this decision and we thank you again for the opportunity. We thank you all, whanau, for the opportunity to come today and speak. Finally, I do want to acknowledge whanau again for allowing us to be here to be heard.

These discussions aren't always easy, particularly where there are differences in experiences, different perspectives and different aspirations for the future, but what is clear to us is that the people here who will be speaking today and those that they represent do care deeply about this place, their people and the taiao. Ngo rewā teenaa koutou teenaa koutou teenaa koutou katoa

[applause].

UNIDENTIFIED
FEMALE:

E mihi ana koorua i taa [?: 8:26] koorua kooreo kua tuku waa ki a koutou.

MARTIN
WILLIAMS:

Kia ora Tramaine and Cathy, just a couple of pātai. Waikato Tainui aren't able to be here today. Can you just paint me a bit of a picture about the relationship between Te Nehenehenui as a PSGE and Waikato Tainui is a treaty settlement negotiating entity, and how we from your perspective, see that relationship across that way and in relation to mana whenua?

TRAMAINE
MURRAY:

We have completely separate settlements with Waikato Tainui and then with the Ngaati Maniapoto settlement. With Ngaati Maniapoto's settlement and the ngā wai o Maniapoto settlement, we have those statutory arrangements and acknowledgements for the coastal area and also the Mitiwai and the Wainui Streams.

In terms of how we arrived here today, we were asked to support the whanau, a group of whanau in Ngaati Mahuta, to actually come in because of our settlement arrangements and because of that within the fast track process. So, Maniapoto, Waikato Tainui and mana whenua actually met as a collective and we decided to support the whanau. We do have those relationships with Waikato Tainui and we work together.

MARTIN

WILLIAMS:

Great. I've got one substantive question I wanted to ask and it's if we had all of the objective enforceable conditions that you've mentioned and that are outlined in the comments and adopted some of the measures that the hearings panel ... just take that as a scenario as one we could consider. If we were to do all of that, would the issue of duration still be important, and if so, why?

CATHY

O'CALLAGHAN: That's a tricky question. Potentially would be the answer, I think. It probably wouldn't be a drop dead issue, but it would potentially be an issue. I think the Application is actually quite uncertain in terms of the terms. At one point, it will say 20 years. At another point, it will say it will rehabilitate, and in another point, it'll say it'll rework an area. I think perhaps the panel might like to clarify what the long-term plans are there.

I think if we got to a perfect scenario where the concerns of mana whenua were addressed, then the duration might not be such of an issue, but again we would defer obviously to mana whenua's views on that one. Thank you.

DAVE SERJEANT: You made reference to the conditions of the RMA panel being a starting point that you would support. Given that this Application is in many respects quite different from what was previously sought in terms of consents sought, particularly in relation to the wet mining and there's some other factors as well. The Applicant has proposed conditions in relation to obviously the new Application, which extends what was sought before. Have you commented on all those additional factors in terms of the conditions that the Applicant has put up?

CATHY

O'CALLAGHAN: Thank you, Commissioner. We have commented as far as possible. In our comments, we note that we're not hydrologists, but we do raise issues around particularly the loss of groundwater and its particular effects on the Mitiwai Stream, which is well documented in the appendices from the Applicant. We also talk about the use of the weir, the mesh, the hydrology not balancing across all three lakes or applying to all three lakes in a manner that believes that they behave consistently when they may not. We have commented where that's possible.

Mr Kelsey's peer review actually picks up a lot of the issues in a far cleverer way than we could and actually asks for more information. As I said earlier, it gave us enormous comfort that those matters were going to be considered and it gave us enormous comfort that the panel would be able to see the responses and perhaps condition on a basis that's a little bit more applicable to the groundwater situation, which we haven't had to consider before, because as you say, it wasn't part of the first application.

DAVE SERJEANT: Kia ora.

CATHY

O'CALLAGHAN: Thank you.

UNIDENTIFIED

FEMALE: E mihi ana ki a koutou katoa. We'd like to pull up our next whanau, our Arahuanga [? 14:10] in the governance space Taharoa C Block. Harea mai koorua, harea mai koorua.

[End of Recorded Material: 14:18]