

Appendix A – Schedule of Final RFI Responses

RFI	Condition	Request	Response
1	AUTH 14.01 (Water Permit – Divert Groundwater & Surface Water Take)	Discussion at the PFC indicated a preference for not augmenting Mitiwai Stream flow on the basis that the WWLA hydrogeological modelling predicted the drawdown effects would be less than 10% of mean annual low flow (MALF), which is less than minor. The Panel requests new conditions to be devised by experts for the Applicant, DoC, NMKTH, TNNN and WRC on maintenance and monitoring of Mitiwai Stream through management of the Central Pit operations. Specifically, the Panel requests Ecologists/Experts to confer and advise on: 1. Condition to verify or revise the estimated 45L/s Mitiwai MALF and 31L/s Q5 (using an external control catchment or other equivalent method) as part of baseline monitoring. 2. Condition to determine the minimum environmental flow for lower Mitiwai Stream. 3. Limit conditions for Central Pit management (specifically maximum groundwater drawdown limits in terms of RLm – mAMSL for Stages 1 to 4 of Central Mine Pit). 4. Conditions outlining revised stream low flow trigger level criteria and responses if Central Pit depletion effects on Mitiwai Stream greater than 10% MALF or appropriate alternative criteria (such as minimum environmental flow).	Interim response to RFI filed with the Expert Panel on 8 September 2026 <i>This response has been jointly prepared by Joshua Mawer (hydrologist, WWLA), Jacob Scherberg (Hydrogeologist, WWLA) Jonathan Williamson (hydrologist and hydrogeologist, WWLA) and Grant Eccles (planner, Tonkin & Taylor Limited):</i> We understand the intent behind this RFI is to avoid augmentation of the Mitiwai Stream, if possible, and to ensure that there are appropriate parameters set out in the consent conditions that will ensure the magnitude of potential dewatering of the lower Mitiwai Stream that could result from mining of the Central Pit is less than minor. <u>Item 1</u> The possibility of verifying or revising the estimated MALF and Q5 for the Mitiwai Stream was raised during the Panel Facilitated Conference due to the number of spot gauging flow measurements from the Mitiwai Stream that were available at the time of preparing Appendix N – Hydrogeology Assessment (Groundwater Effects). At that time, six spot gauging measurements were available – three at the upstream site (Flow Site 2¹) and three at the downstream site (Flow Site 3). The Panel has suggested the use of an external control catchment or other equivalent method as part of the baseline monitoring for verification purposes. The use of an external control catchment is often referred to as a “paired catchment” approach or assessment and involves developing a statistical function relating the flow in an external (i.e., unaffected) catchment to the flow in the catchment of interest (i.e., the Mitiwai in this instance). This method requires both catchments to be of similar characteristics (e.g., size, topography, soils, geology, land cover) and subject to similar climate regimes (e.g., rainfall and evaporation conditions). We have reviewed the surrounding catchments and have not identified any suitable catchments. The surrounding catchments are all smaller in size/extent, and do not reflect the characteristics of the Mitiwai Stream (i.e., headwaters underlain by greywacke and lower reaches by sands). For this reason, we do not believe a paired catchment approach would provide a meaningful method of verifying or detecting a reduction in streamflow in the Mitiwai from dewatering. It is likely that the inherent uncertainty in a paired catchment assessment would exceed the extremely low and temporary magnitude of effects we are seeking to identify and address through conditions. However, a similar outcome to paired catchment monitoring can be achieved within the same catchment by undertaking monitoring at the two existing locations of Flow Sites 2 and 3, which relate to the upstream portion of the catchment unaffected by mining and the lower portion of the catchment that has potential for impact, respectively. In our view, the best approach to verify, and revise (if necessary), the current estimates of MALF and Q5 is after an additional 12 months of baseline streamflow monitoring and subsequent verification/updates to the Mitiwai Stream rainfall runoff model (the SMWBM). The SMWBM would be calibrated to Flow Site 2 to avoid influence from mining on the model calibration. The calibrated model can then be run with an extended data set (approximately 30 years) of historic climate data to generate MALF and Q5 values. This monitoring and verification/revision of the MALF and Q5 would be completed as part of the Annual Monitoring Report (which is required under the Schedule 1: General Conditions, specifically Conditions 44 and 45). The continuous streamflow monitoring at Flow Sites 2 and 3 can be continued and additional spot gaugings collected to further verify and improve the site rating curves. The difference in flow between Flow Site 2 (upstream) and Flow Site 3 (downstream) can be used as an indicator of any potential dewatering effects, instead of the external/paired catchment approach discussed above. If the reduction in flow between Flow Site 2 and 3 exceeds 10% of the verified/revised Q5, additional manual flow gaugings shall be undertaken within 10 days of the exceedance being identified in order to validate the reduction in flows. If the reduction in flow is validated, this would trigger the requirement for augmentation of the Mitiwai Stream to achieve the verified/revised Q5, in accordance with the proposed conditions relating to augmentation in AUTH142035.14.01. The above approach is set out in a proposed amendment to Condition 2 of AUTH142035.14.01 as follows (with new changes shown in yellow highlight): 2. The Consent Holder shall monitor the base flow in the Mitiwai Stream at the locations shown in Figure 2 below to determine the Mean Annual Low Flow (“MALF”) and Q5 for the stream. (a) If extraction of sand is occurring in the Central Block within ‘Pit 3-1’ as shown in Figure 1 below, and the base flow of the Mitiwai Stream during the summer months period from 1 December – 1 March-May as measured at the upstream flow recording site in Figure 3 is 28.0 L/s or less, depleted by greater than 10% of the MALF as measured at the downstream flow recording site in Figure 2 below; and (b) if the flow of the Mitiwai Stream as measured at the upstream flow recording site in Figure 2 below is not depleted by greater than 10% of the MALF (and manual flow gaugings validate the difference in flows); then (c) the base flow in the Mitiwai Stream must be augmented at the flow augmentation point shown in Figure 2 with fresh water with an Electrical Conductivity not exceeding 1000µS/cm, to achieve the MALF-a base flow of 28 L/s or greater as measured at the downstream flow recording site shown in Figure 2. <u>Item 2</u> Item 2 of this RFI requested consideration of determining a site-specific minimum environmental flow condition for the Lower Mitiwai Stream (rather than the default minimum flow specified in the WRP). The potential effects of dewatering of the Mitiwai Stream are temporary in nature and have been assessed as extremely low magnitude. The potential effect of dewatering is only considered plausible when mining is being undertaken in the Central Block, in close proximity to the Mitiwai Stream at elevations below approximately 19.5 m (NZVD2016). In addition, the Hydrogeology Assessment (Groundwater Effects) assessment predicted the magnitude of potential dewatering would be less than 10% of MALF. TIL is currently mining within pit 1 of the Central Block with the current dredge pond water level at RL-8.5m. No seepage from the Mitiwai Stream side of the pit has been observed, indicating that observations to date support the modelling outputs. TIL also carefully monitors all of its mining activities and reports that it has never observed any seepage from either the Mitiwai Stream or the Wainui Stream when undertaking mining in groundwater. TIL intends to provide further information about these observations prior to expert conferencing on this issue.

¹ Refer to figure D1 of WWLA (2025) Taharoa Mine Expansion – Assessment of Groundwater Effects. WWLA1303. Rev 3. 17 September 2025.

RFI	Condition	Request	Response
			Determining a site-specific minimum environmental flow condition requires comprehensive flow monitoring and ecological assessment (habitat classifications across a range of transects under a range of differing flow conditions). In the context of an effect that has been (conservatively) assessed as less than minor, we do not consider that developing a site specific minimum environmental flow condition is necessary or proportionate to manage this effect. We instead propose to maintain the default provisions of the Waikato Regional Plan (i.e., 95% of Q5). <u>Item 3</u> Item 3 of the RFI requests that maximum groundwater drawdown limits be established for the Central Block in terms of conditions setting a specific RLM for each modelled pit. We acknowledge that maximum groundwater drawdown is largely controlled by the excavation depth. However, groundwater drawdown is not in and of itself, an effect. The primary effect (albeit unlikely) that may arise from mining of the Central Block is depletion of the Mitiwai Stream. The depths of excavation modelled were indicative for effects assessment purposes only to inform the effects assessment for the application and the preparation of appropriate consent conditions to manage potential effects on the Mitiwai. Given that the (conservative) modelling (which has now been verified by current on-site work as being accurate) indicated that there was an extremely low potential for, and magnitude of, adverse effects, the proposed conditions as proposed by TIL are focused on the monitoring and management of the potential effects of any drawdown that might occur rather than to what depth mining can occur. This is considered to be an appropriate and proportionate response. <u>Item 4</u> In terms of Item 4 of the RFI, the architecture of TIL's proposed consent conditions already requires augmentation of the flow in the Mitiwai Stream based on the trigger levels discussed above, and only if mining is being carried out in the modelled Pit 1 in the Central Block (i.e. where mining is currently occurring without any observed groundwater seepage from the Mitiwai side of the pit). We acknowledge the comments made at the Panel Facilitated Conference that the augmentation of the flow in the Mitiwai Stream with water initially taken from the Wainui Stream may generate an adverse cultural effect in terms of the mixing of wai. However, it is apparent that the need for augmentation of the flow in the Mitiwai Stream is very unlikely to ever be required, and if it is required will be only for a short duration and be extremely minor in scale. The potential for adverse cultural effects is therefore assessed as also being less than minor, and if such effects are generated (i.e. in the unlikely event augmentation is required) it will be temporary and short-term in duration. On the basis of all the above, it is also worth considering whether any conditions are required at all in terms of addressing potential adverse effects on flow reduction in the Mitiwai Stream associated with groundwater drawdown, given the conservatively assessed less than minor effect. Final response to RFI, including response to matters raised in Hydrology & Hydrogeology Joint Witness Statement dated 18 September 2026 Response prepared by Grant Eccles (planner, Tonkin & Taylor Limited):\ <u>Item 1</u> As noted above in TIL's interim response to RFI 1, TIL's current on-site work demonstrates that there are currently no signs of seepage from the Mitiwai Stream into the mining pits. The letter to the Expert Panel from Mr Modher Barakat, on behalf of TIL, dated 17 September 2026 outlines TIL's procedures for regularly monitoring and recording any abnormal observations during excavation activities in proximity to freshwater bodies, including for signs of seepage. This includes daily, weekly, and fortnightly reporting. No signs of seepage from the Mitiwai Stream into the mine pits has been observed to date. A copy of this letter is attached to the Memorandum of Counsel on behalf of TIL dated 1 October 2026 as Appendix D. As set out in paragraphs 9 to 10 and 15 to 17 of the Hydrology & Hydrogeology Joint Witness Statement dated 18 September 2026 (Hydro JWS), all hydrologists and hydrogeologists agree with the overall approach to the proposed amendments to Condition 2 of AUTH142035.14.01 as set out in TIL's interim response, subject to the following amendments: - Changing the relevant threshold for water loss between the upstream and downstream measurement points to 5% of Q5. - Adding reference to the National Environmental Monitoring Standards (NEMS), as a guiding document only, acknowledging the limited applicability of NEMS to sandy coastal streams. - Requiring manual flow gauging to be undertaken at the start of December annually, with additional gauging to be undertaken to update the rating curve if manual flow diverges from the current rating curve by +/- 10%. Condition 2 has been further amended to reflect the above points, as follows (changes made in response to the Hydro JWS shown in yellow highlight): 2. The Consent Holder shall monitor the ~~base flow in the~~ Mitiwai Stream at the locations shown in Figure 2 below to determine the Q5 for the stream. (a) If extraction of sand is occurring in the Central Block within 'Pit 3-1' as shown in Figure 1 below, and the base flow of the Mitiwai Stream during the summer months period from 1 December – 1 March May as measured at the upstream flow recording site in Figure 3 is 28.0 L/s or less, depleted by greater than 5% of the Q5 as measured at the downstream flow recording site in Figure 2 below; and (b) if the flow of the Mitiwai Stream as measured at the upstream flow recording site in Figure 2 below is not depleted by greater than 5% of the Q5 (and manual flow gaugings, validate the difference in flows); then (c) the base flow in the Mitiwai Stream must be augmented at the flow augmentation point shown in Figure 2 with fresh water with an Electrical Conductivity not exceeding 1000µS/cm, to achieve 95% of the Q5 a base flow of 28 L/s or greater as measured at the downstream flow recording site shown in Figure 2. For the purposes of (b) above, manual flow gaugings are to be undertaken at the start of December annually. If the manual flow gauging diverges from the current rating curve by +/- 10%, then additional rating gauging must be undertaken to update the rating curve. Advice Note: The National Environmental Monitoring Standards should be used as a guiding document to help support quality data collection, but only to the extent the Standards are relevant and applicable in the context of sandy coastal streams.

RFI	Condition	Request	Response
			<u>Item 2</u> As set out in paragraphs 20 to 22 of the Hydro JWS, all hydrologists and hydrogeologists agree that developing a site specific minimum environmental flow condition is not necessary or proportionate to manage the degree of effect anticipated and that adopting the default limits of the Waikato Regional Plan is appropriate (i.e. 95% of Q5). Therefore, I continue to support the position in respect of Item 2, as set out in TIL's interim response to RFI 1. <u>Item 3</u> The hydrologists and hydrogeologists addressed this item at expert conferencing through their responses to RFI 18. No further changes are proposed to what was set out in TIL's interim response, as this is supported by the agreement reached between the hydrologists and hydrogeologists for TIL and WRC at expert conferencing in terms of the RL and drawdown limit conditions proposed in RFI 18 not being necessary to manage the potential effects of the proposed activity (see paragraphs 39 to 41 of the Hydro JWS). <u>Item 4</u> The hydrologists and hydrogeologists addressed this item at expert conferencing through their responses to Items 1 and 2, as set out above. No changes to the conditions are proposed on this basis.
2	AUTH 05.01 (Water Permit - Surface Water Take)	The Panel requests Ecologists/Experts for the Applicant, DoC, NMKTH, TNNN and WRC to confer and advise on whether 8.53 m RL as a cease take is needed and/or an appropriate level.	Interim response to RFI filed with the Expert Panel on 8 September 2026 <i>Response jointly prepared by Jared Pettersson (environmental engineer, Enviser), Joshua Mawer (hydrologist, WWLA), Jonathan Williamson (hydrologist and hydrogeologist, WWLA) and Grant Eccles (planner, Tonkin & Taylor Limited):</i> Proposed condition 7 of AUTH142035.05.01 (water permit) for the take of water from the Wainui Stream, for the purpose of ship loading and iron sand mining operations, states that:² <i>Water must not be taken when the Lake Taharoa water level at or about NZTM 1751411.597 5774358.648 is less than 8.53 metres RL as measured by the Local Datum Survey Marker.</i> The 8.53 m RL has been the cease take level since the dam was constructed in the mid 1970's. The water right granted in 1988 (see Attachment 1) included 8.53 m RL as the cease take level. This cease take level has been incorporated in subsequent consents issued to TIL over time, as there was no effects-based reason to change it. TIL has advised that to the best of its knowledge it has only ever been reached on one occasion during the mine's operation (based upon a note included on a drawing from the 1990's). The date this low water level occurred is unknown. The natural (pre-dam) water level in Lake Taharoa is understood to be 9.11 m RL, and the water level in the Wainui Stream at the dam site being 6.46 m RL. The datum for these levels is likely to be consistent with that used for the dam levels and is linked to a fixed point in Kawhia. This indicates a natural 2.65 m drop in elevation along the stream between the lake outlet and the dam site. Post dam, the head loss from the lake to the dam is approximately 0.15-0.17 m, based on TIL's water level monitoring data from within the lake and behind the dam. If the water level behind the dam reached 8.53 m, there would still be 2.07 m depth of water above the natural water level in the Wainui stream. A bathymetric survey undertaken by Discovery Marine Limited (DML) in 2007 indicates the natural bed level of the Wainui Stream, where it transitions out of the main lake body, is approximately 8.45 m RL. Accordingly, as the cease take level of 8.53 m RL is set 0.08 m higher than the stream bed, this level physically ensures that water can continue to flow from the lake into the Wainui Stream, down to the dam and outlet. In the previous RMA consenting process (which granted the consents that are being replaced through this application), Waikato Regional Council's hydrologist (Dr Ed Brown) concluded³ that the level of 8.53 m is necessary to maintain a minimum flow in the Wainui Stream during shiploading events. The physical characteristics of the dam and channel remain as they were in the previous consenting process. We see no reason to alter the long-standing cease take level of 8.53 m. WRC has also not requested that this level be changed in its comments on the application. We re-iterate that the cease take level of 8.53 m RL is the final backstop limit, and lake levels are not intended to be held at this level for extended periods of time. The Lake Taharoa Water Balance⁴ modelling also demonstrated that this would not occur, and that lake levels would return to typical levels (~10 m RL) each winter. The following more conservative trigger levels/conditions are required to be implemented to prevent and manage potential environmental effects prior to reaching the 8.53 m RL cease take level: - AUTH142035.05.01 – Proposed condition 10: 9.6 m RL lake level trigger – if the lake level drops below 9.6 m for a continuous 30-day period, TIL is required to implement management responses to reduce its take as far as practicable. - AUTH142035.02.01- Proposed condition 4: Requires maintenance of a residual flow level of 10 L/s in the Wainui Stream – if the water level behind the dam drops below 9.45 m RL, TIL would be required to initiate pumping water over/through the dam outlet.

² TIL's proposed resource consent conditions (dated 22 June 2026) – Attachment O to the Applicant's response to comments.

³ WRC Consent Evaluation Report, Dean Lal, 5 April 2006.

⁴ Appendix I – Hydrology: WWLA. 2025. Lake Taharoa Hydrology Assessment. WWLA0546. Rev 5. 5 September 2025.

RFI	Condition	Request	Response
			- AUTH142035.03.01 – Proposed condition 7: 9.45 m RL trigger – if the water level immediately behind the dam drops below 9.3 m, TIL must initiate pumping/maintenance of the flow through the fish pass to ensure it is at least 24 L/s. - The Lake Level and Water Management Plan also specifies a range of environmental monitoring requirements for periods of low lake levels. We note the Panel's concerns as expressed at the Panel Facilitated Conference that if the RL 8.53 m cease take level was reached, freshwater for augmentation purposes (fish pass, wetlands etc) would not then be available at the time it may be needed the most. In response we note the following: (i) even at the cease take level there will still be sufficient volumes of water available to be taken from the Wainui Stream for augmentation purposes; (ii) on-site stored water that meets the water quality requirements will still be available to be used for augmentation; (iii) an exemption could be provided from the RL 8.53 m cease take restriction to allow for sufficient volumes of water for augmentation purposes to continue to be taken – Mr Eccles has proposed an amendment to the relevant consent condition to allow for this. In conclusion, we are of the opinion that the 8.53 m cease take level is appropriate from a hydrological and operational perspective. This level is consistent with previous consents and there is no effects-based reason for it to be changed. Final response to RFI, including response to matters raised in Hydrology & Hydrogeology Joint Witness Statement dated 18 September 2026 & Ecology – Wetlands Joint Witness Statement dated 21 September 2026 Response prepared by Grant Eccles (planner, Tonkin & Taylor Limited): As set out in paragraphs 25 and 26 of the Hydrology & Hydrogeology Joint Witness Statement dated 18 September 2026 (Hydro JWS), the hydrologists for TIL and WRC agree that a cease take trigger of 8.53m RL is necessary and appropriate from a hydrological perspective. At paragraphs 9 to 11 of the Ecology – Wetlands Joint Witness Statement dated 21 September 2026 (Ecology JWS), the ecologists note their agreement that 8.53m RL is not an appropriate cease take trigger from an ecological perspective. However, none of the ecologists have provided any evidence as to what a more appropriate lake level might be from an ecological perspective. They have stated that a trigger of 9m RL “serves this purpose” but have not substantiated this assertion. In the absence of ecological evidence to the contrary, I rely upon the hydrological evidence presented by WWLA with respect to the appropriateness of the 8.53m RL cease take trigger, which has been endorsed by all other hydrologists. However, the concerns raised by the ecologists with respect to potential adverse effects on lake margin wetlands and ecological values in the Ecology JWS are acknowledged. It is noted that all hydrologists also agreed at paragraph 30 of the Hydro JWS that the management responses that are triggered at 9.6m RL need to be more robust. Condition 10 of AUTH142035.05.01 has therefore been further amended to refer to additional management responses that are to be implemented where lake levels drop below 9.6m RL for a continuous 30-day period. The condition wording is now also more directive in terms of what measures are to be implemented if ecological monitoring demonstrates that there are adverse effects on lake margin wetlands (i.e. requiring measures to address adverse effects on the wetlands to be initiated within a short period following the adverse effects becoming known, and then the Lake Level and Water Management Plan updated and provided to WRC for certification) (changes made in response to Hydro JWS and Ecology JWS shown in yellow highlight): <u>10.</u> If the level of Lake Taharoa drops below 9.6 metres RL for a continuous 30 day period, as measured by the Local Datum Survey Marker, the Consent Holder shall: (a) implement management responses to reduce as far as practicable the water being taken for the purposes of this consent. The management responses could comprise (but are not limited to) maximising on-site water storage and water re-use, ceasing production during ship loading, and reviewing short and long-term weather forecasts to inform reduced water take decisions. (b) within 10 working days of becoming aware that the level of Lake Taharoa has dropped below RL9.6m for a continuous 30 day period, engage a suitably qualified and experienced ecologist to monitor and report on the extent and health of the raupo and flax wetlands on the margins of Lake Taharoa adjoining the Taharoa C Block and, where necessary, provide recommendations on measures to be implemented to manage any identified adverse effects for a continuous 30 day period. If the wetland monitoring report concludes that adverse effects (other than those caused by natural seasonal conditions) are occurring on the wetlands on the margins of Lake Taharoa adjoining the Taharoa C Block, the Consent Holder shall, within 5 working days of being advised of the adverse effects, implement measures to address the identified adverse effects based on the recommendations set out in the ecologist's report. The wetland monitoring report shall be provided to Waikato Regional Council within 10 working days of completion of the wetland monitoring. (c) if the wetland monitoring report prepared in accordance with condition 10(b) concludes that adverse effects (other than those caused by natural seasonal conditions) are occurring on the raupo and flax wetlands on the margins of Lake Taharoa adjoining the Taharoa C Block, the Consent Holder shall review and update the Lake Level and Water Management Plan to identify reflect measures that have can been implemented to address the identified adverse effects and provide a copy to Waikato Regional Council for certification within 30 working days.
3	AUTH 02.01 (Water Permit - Dam)	At the PFC the Applicant's ecologist (Ms Bennett) recommended if the minimum flow in the Wainui Stream is <10 L/s for more than 14 days then a condition should require an ecologist to monitor temperature & dissolved oxygen content. If these parameters are outside set triggers, a condition should require pumping more water over the weir.	Response prepared by Keren Bennett (ecologist, SLR Consulting Limited): The discussion at the PFC related to potential survey methods that <i>could</i> be undertaken to assess whether adverse effects on aquatic biota below the dam were occurring if low-flow conditions persisted for more than 14 days. As an example, I noted that monitoring water temperature and dissolved oxygen concentrations at locations above and below the dam weir <i>could</i> be used to determine whether low-flow conditions were resulting in water quality changes that may cause stress to aquatic biota and warrant a management response, such as increased flow augmentation. In response to the Panel's question regarding appropriate trigger levels, while indicative water quality thresholds can be identified, I do not consider that fixed trigger levels linked to an automatic requirement for increased flow augmentation provide an appropriate or robust basis for managing ecological effects in this system. Rather, I consider the proposed condition requiring assessment by a suitably qualified and experienced ecologist following more than 14 days of flows below 10 L/s to be the most appropriate response.

RFI	Condition	Request	Response										
		The Panel requests Ms Bennett advise on: 1. Appropriate trigger levels for temperature & dissolved oxygen content for this purpose.	If indicative thresholds are sought, values that may warrant further investigation or management intervention would be: - Water temperature elevated more than 3°C above upstream reference conditions, and approaching or exceeding 24°C; and/or - Dissolved oxygen concentrations materially reduced relative to upstream reference conditions and falling below 5 mg/L. However, as noted at the PFC, I do not consider that fixed trigger values alone provide a robust basis for management decisions if low-flow conditions persisted for more than 14 days. The ecological significance of water temperature and dissolved oxygen measurements depends on the magnitude of any change, the prevailing upstream water quality, diurnal variation, and the presence of aquatic macrophytes, which are common in the Wainui Stream and can substantially influence diurnal dissolved oxygen dynamics. Consequently, reliance on maximum temperature or minimum dissolved oxygen values risks oversimplifying the assessment of ecological effects. For this reason, I consider the proposed condition requiring assessment by a suitably qualified and experienced ecologist after prolonged low-flow conditions to be the most appropriate approach. This enables all relevant factors to be considered collectively, including whether the observed conditions are attributable to low-flow conditions below the dam, and ensures that any management response is proportionate to the nature and extent of any observed ecological effects. As noted at the PFC, and reiterated by Mr Smith on behalf of WRC, the approximately 80 m section of stream between the weir and the fish-pass confluence was not intended to function as fish habitat. The fish-pass design incorporates a low weir with an overhanging lip intended to prevent fish entering this section and instead direct them into the fish pass. Nevertheless, larger eels and mullet do utilise this area, which is part of the reason why the residual flow was proposed. This context is relevant when considering the significance of any temporary water quality changes within this reach. At the PFC, Mr Smith also advised the Panel that WRC is satisfied with the conditions proposed by TIL, including the requirement for ecological assessment following 14 days of flows below 10 L/s. Mr Smith further indicated that WRC is comfortable with the proposed minimum residual flow of 10 L/s over the weir, given the highly modified nature of this reach. WRC has not requested any amendments to Conditions 4-6 of AUTH142035.02.01. I also note that conditions in TIL's existing 2006 resource consents do not require any residual flow to be maintained over the weir during periods of low reservoir levels. The conditions proposed as part of this application therefore represent an improvement in environmental protection by providing both a minimum residual flow and a mechanism for ecological assessment should extended low-flow conditions occur.										
4	AUTH 16.01 (Destroy, disturb, dewater natural inland wetlands)	The Panel requests Ecologists/Experts for the Applicant, DoC, NMKTH, TNNN and WRC to confer & propose specific conditions based on agreements recorded at [40] and [44] of their Joint Witness Statement dated 6-7 July 2026.	Interim response to RFI filed with the Expert Panel on 8 September 2026 Response jointly prepared by Hamish Dean (ecologist, SLR Consulting Limited) and Grant Eccles (planner, Tonkin & Taylor Limited): Conditions 3 and 4 of AUTH142035.16.01 have been amended to reflect and/or respond to the matters set out in paragraph 40 of the JWS, as follows: 3. The Consent Holder shall establish ~~a minimum of 8.3 hectares of~~ new natural inland wetland habitat within the ~~Consent Area~~ <u>area surrounding Site 27 as mapped on Figure 3 of the NIWBMP</u>, either through the creation of new wetland areas or by augmenting existing constructed wetlands to achieve the ~~total area~~ <u>Requirements and Progress Targets as per Table 1. The purpose of this new habitat is to generate a net gain offset of wetland vegetation cover to address the loss of wetlands and generate additional gain to compensate for permanent loss of seepage wetlands.</u> <u>Table 1: New Wetland Area Requirements and Progress Targets</u> <table><tr><th><u>New Natural Inland Wetland Area Requirement</u></th><th><u>Progress Targets</u></th></tr><tr><td><u>To offset the loss of 0.49 ha of shallow water wetland, establish a minimum of 2 ha of shallow water habitat (average water depth <50 cm) to achieve 75% indigenous cover, including at least 25% cover of submerged macrophytes, within 10 years of destruction of Wetlands 7 and 17 as shown on Figure 1.</u></td><td><u>Within 5 years of destruction of Wetlands 7 and 17 as shown on Figure 1, indigenous cover in the 2 ha of shallow water habitat must be at least 30% and average water depth must be between 10 cm and 50 cm</u></td></tr><tr><td><u>To offset the loss of 0.03 ha of raupō (Typha orientalis) reedland, establish a minimum of 0.5 ha of wetland with a minimum of 50% indigenous cover within 10 years of destruction of Wetland 23 as shown on Figure 1.</u></td><td><u>Within 5 years of destruction of Wetland 23 as shown on Figure 1, raupō cover in the 0.5 ha of raupō offset wetland must be at least 20%.</u></td></tr><tr><td><u>To compensate for the loss of 3.72 ha of seepage wetland, establish at least 5.8 ha of wetland habitat that must comprise of saturated soils (i.e. not standing water) that must reach 90% indigenous cover within 5 years of destruction of Wetlands 5, 6, 7, 20 & 25 as shown on Figure 1.</u></td><td><u>Within 2 years of the destruction of wetlands 5, 6, 7, 20 & 25 as shown on Figure 1, indigenous vegetation cover must be at least 40% in both wetland and buffer habitat.</u></td></tr><tr><td><u>Minimum of 30m wide terrestrial buffer planting around the offset & compensation site.</u></td><td><u>Within 5 years of the destruction of any of the wetlands authorised by this consent, 90% indigenous vegetation cover must be achieved within the planted buffer.</u></td></tr></table> The works to establish <u>the new wetland habitat required by this condition shall start</u> within 2 years of the destruction of any natural inland wetland <u>that is authorised to be destroyed or dewatered by this consent as shown on Figure 1 below</u>, as far as reasonably practicable. 4. The new wetland habitat required by Condition 3 shall be designed, implemented, and maintained <u>(maintenance could include but not be limited to additional planting, weed control, hydrological adaptations)</u> to achieve no net loss of wetland habitat and ecological function, as a result of the destruction of wetlands identified on Figure 1 (wetland offset). <u>The responses to be undertaken if targets are not met are set out in</u> ~~The specifications for the offset must be included in~~ the Natural Inland Wetland and Buffer Management Plan required by the Schedule 1 General Conditions.	<u>New Natural Inland Wetland Area Requirement</u>	<u>Progress Targets</u>	<u>To offset the loss of 0.49 ha of shallow water wetland, establish a minimum of 2 ha of shallow water habitat (average water depth <50 cm) to achieve 75% indigenous cover, including at least 25% cover of submerged macrophytes, within 10 years of destruction of Wetlands 7 and 17 as shown on Figure 1.</u>	<u>Within 5 years of destruction of Wetlands 7 and 17 as shown on Figure 1, indigenous cover in the 2 ha of shallow water habitat must be at least 30% and average water depth must be between 10 cm and 50 cm</u>	<u>To offset the loss of 0.03 ha of raupō (Typha orientalis) reedland, establish a minimum of 0.5 ha of wetland with a minimum of 50% indigenous cover within 10 years of destruction of Wetland 23 as shown on Figure 1.</u>	<u>Within 5 years of destruction of Wetland 23 as shown on Figure 1, raupō cover in the 0.5 ha of raupō offset wetland must be at least 20%.</u>	<u>To compensate for the loss of 3.72 ha of seepage wetland, establish at least 5.8 ha of wetland habitat that must comprise of saturated soils (i.e. not standing water) that must reach 90% indigenous cover within 5 years of destruction of Wetlands 5, 6, 7, 20 & 25 as shown on Figure 1.</u>	<u>Within 2 years of the destruction of wetlands 5, 6, 7, 20 & 25 as shown on Figure 1, indigenous vegetation cover must be at least 40% in both wetland and buffer habitat.</u>	<u>Minimum of 30m wide terrestrial buffer planting around the offset & compensation site.</u>	<u>Within 5 years of the destruction of any of the wetlands authorised by this consent, 90% indigenous vegetation cover must be achieved within the planted buffer.</u>
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RFI	Condition	Request	Response										
			The changes set out above reflect updates made to the draft Natural Inland Wetland and Buffer Management Plan (NIWBMP), a copy of which is included as part of TIL's interim response (see Appendix B to the Memorandum of Counsel on behalf of TIL dated 8 September 2026). For ease of reference, the amendments to conditions are explained in more detail in the table below, in response to each of the matters set out at paragraph 40 of the JWS. As explained in section 4.3 of the revised draft NIWBMP, the proposed offset and compensation area has been verified using the Biodiversity Offset Accounting Model (BOAM), which confirms that it will achieve the desired outcomes for those wetlands being offset/compensated for.										
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As set out in TIL's response to the Panel's RFI dated 23 July 2026 (see in particular response to RFI 25 at pages 42 to 44), and as discussed at the Panel Facilitated Conference, any greater buffer width will be significantly more onerous than necessary when having regard to the detrimental commercial and economic impacts of sterilising a significantly greater area of resource.</td></tr></table>	Statement from JWS	TIL Response	JWS Paragraph 40 – All experts agree the following matters must be included in consent conditions to ensure the success of the offset and compensation:		(a) Purpose of the condition (to generate a net gain offset of wetland vegetation cover to address the loss of wetlands and generate additional gain to compensate for permanent loss of seepage wetlands).	Condition 3 of AUTH142035.16.01 has been amended to expressly state the purpose of the new habitat.	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RFI	Condition	Request	Response	
			(d) <i>Measurable offset and compensation outcomes required (extent and condition).</i>	Condition 3 of AUTH142035.16.01 has been amended to include Table 1, which sets out specific offset outcomes in relation to the shallow water wetland and raupō wetland habitats that are to be lost and compensation outcomes for the seepage wetland habitat that will be lost. These include requirements relating to the extent of habitat to be provided, water depth and vegetation cover. These requirements are also included in Section 4.5 of the draft NIWBMP.
			(e) <i>Timebound actions required to achieve outcomes, including planting and maintenance, pest and weed management, hydrological changes (including water management), earthworks.</i>	Condition 3 of AUTH142035.16.01 has been amended to include Table 1, which provides timeframes within which the outcomes must be achieved and includes progress targets that must be met within specified timeframes. These requirements are also included in Section 4.5 of the draft NIWBMP.
			(i) <i>FM, KM and CB consider that a strategy for wilding pines should be included in the weed control management plan.</i>	Section 6 of the draft NIWBMP has been updated to include wilding pine in the list of 'problem plants'.
			(f) <i>Triggers and thresholds and performance measures as informed by the offset and compensation design. The specifications for end point state, triggers and performance measures as set out in the monitoring section of the NIWBMP must be incorporated into the consent conditions.</i>	Table 1 in Condition 3 of AUTH142035.16.01 incorporates these measures, which are also set out in Section 4.5 of the draft NIWBMP.
			(g) <i>Contingency measures including additional offset and compensation where required that respond in a timely way to monitoring (e.g. additional and replacement planting to address plant death or slower growth rates than anticipated, additional pest control, actions to address where lake levels too low for augmentation, address spread of invasive aquatic species, to address delays falling short of performance targets, or where more monitoring may be required before actions are taken).</i>	Condition 4 of AUTH142035.16.01 has been amended to specifically refer to the management responses that are to be undertaken if the targets in Table 1 of Condition 3 are not met, referring to the measures set out in the draft NIWBMP (Section 4.8). We note that this does not address the availability of water from the lake for augmentation. This aspect of paragraph (g) is addressed in TIL's response to RFI 2 and RFI 8.
			(h) <i>A legal protection mechanism in perpetuity of the wetland offset and compensation site, planted buffer, and any unplanted set back.</i>	The proffered conditions are the appropriate legal protection mechanism for the offset and compensation site and planted buffers. They require TIL, as consent holder, to maintain the offset and compensation site for the duration of the term of consent. Once the consent expires and use of the land reverts back to The Proprietors of Taharoa C Block, TIL will have no ability to control what is done with the site.
			The matters set out in paragraph 44 of the JWS, in terms of changes to trigger levels and monitoring requirements for wetlands, have largely been addressed as part of TIL's responses to RFI 6 (see below). TIL's responses are set out in the following table.	
			JWS Paragraph 44 – <i>The identified experts consider that the following monitoring and reporting requirements should be incorporated into the proposed consent conditions:</i>	
			(a) <i>All experts agree that the water level triggers and contingency measures discussed below should also apply to the offset and compensation wetland (which is not currently the case in the proposed conditions).</i>	The offset and compensation site is one of the wetlands that has been identified as potentially affected by groundwater drawdown and will therefore be monitored in the same way as the other groundwater affected wetlands in accordance with Condition 5A of AUTH142035.16.01 (discussed in more detail below in TIL's response to RFI 6(2)).
			(b) <i>All experts agree that the current seasonal low trigger (outlined in proposed conditions 5 and 6 of AUTH142035.16.01) could result in stress (including cumulative stress and irreversible loss) on wetland ecosystems. A revised trigger level of mean seasonal water level would be suitable, noting that water levels should be managed to align with natural fluctuations (including rewatering levels).</i>	Condition 5 of AUTH142035.16.01 has been updated to include Table 2 which sets out the methodology for developing and defining revised trigger levels and associated management responses. This is discussed in more detail below in TIL's response to RFI 6(1).
			(c) <i>CB, FP, TK, FM and KM consider monitoring of hydrology and condition at a grouping scale might not recognise gradients in water levels and impacts within individual wetlands and might not pick up degradation. That risk would be overcome by monitoring wetlands individually.</i>	Refer to TIL's response to RFI 6(1).
			(d) <i>TK and FP consider that a Cultural Monitoring Plan be prepared in consultation with the relevant marae prior to the commencement of works. The Plan should incorporate mātauranga Māori indicators and provide for ongoing cultural monitoring, marae participation, and</i>	The proposed conditions of consent already provide for ongoing engagement with mana whenua and The Proprietors of Taharoa C Block (Taharoa C) (as the landowner holding mana motuhake) and the incorporation of mātauranga Māori in the Environmental Management Plan (including the NIWBMP).

RFI	Condition	Request	Response	
			<i>governance involvement throughout implementation, rehabilitation, and long-term management to recognise and respond to effects on cultural values and relationships with wetlands.</i> (i) <i>TK and FP consider that monitoring should include Mātauranga Māori alongside scientific methods to recognise the whakapapa and interconnectedness of wetlands, waterways, species, and people. Monitoring should be guided by MLC (Marae Led Committee/Rōpū) to ensure cultural values, mātauranga, and local observations are incorporated into reporting and long-term management.</i> (ii) <i>TK and FP seek specified, measurable parameters and triggers, mandatory reporting thresholds, independent auditing and monitoring determined alongside the MLC, contain clearly specified timeframes and review clauses, and not rely solely on management plans to address effects. CB, FM and KM support this.</i> (iii) <i>TK and FP consider hydrological and ecological monitoring alone cannot fully measure the health of a wetland. Cultural indicators, including observations of mauri, taonga species, and the relationships between wetlands and connected waterways, should also be monitored. MLC should co-design cultural monitoring and reporting to ensure the wetland's cultural, environmental, and intergenerational values are recognised and maintained.</i> (iv) <i>TK and FP consider that appropriate funding and resources must be provided to enable the hapū, mātauranga Māori knowledge holders, the MLC, and the Tahaaroa Lakes Trust to undertake cultural monitoring, reporting and adaptive management throughout the life of the project.</i> (e) <i>FP considers Ngāti Mahuta ki te Hauāuru should be provided reasonable access to the site to undertake cultural monitoring at agreed intervals, following significant environmental events, and upon reasonable request where concerns regarding environmental effects arise. Records of monitoring undertaken, site access, and any requests made shall be maintained and provided to Waikato Regional Council upon request. FP considers Ngaati Mahuta mātauranga has the ability to work alongside quantitative monitoring to ensure early detection of any adverse effects. TK agrees.</i> (f) <i>FP considers that the results from research undertaken by Tahaaroa Lakes Trust and Ngaati Mahuta between 2023 and 2026 be acknowledged and addressed, including to ensure that it informs baseline monitoring of each retained wetland. TK agrees.</i> (g) <i>FP considers a suitably qualified mātauranga Māori expert, endorsed by Ngaati Mahuta ki te Hauaauru, should be involved across all aspects of the monitoring plan. FM, TK and CB support this.</i>	As set out in the Taharoa C’s s53 comments (dated 19 June 2026), which express support for the Application, these mechanisms provide for a greater extent of involvement of mana whenua and Taharoa C than there has been in the past. Of most relevance to this matter, these mechanisms include: • The Environmental Management Plan, which facilitates ongoing engagement, information sharing, and must incorporate mātauranga Māori and cultural health indicators. • Annual meetings with stakeholders (including Taharoa C and mana whenua groups) regarding resource consent management matters relating to the Mine. Monitoring information will be available at these meetings. • A Consultation Register to record annual consultation updates. • Annual Monitoring Reports to be provided to the following entities: - o Waikato Regional Council; - o Taharoa C; - o Taharoa Lake Trustees; - o Te Ruunanga o Ngaati Mahuta ki te Hauaauru; - o Te Kooraha Marae; and - o Aaruka Marae (together the Key Stakeholders) • Ongoing consultation during the development and any material amendments of the Environmental Management Plan with the following entities: - o Department of Conservation; and - o the Key Stakeholders. • A review condition if there were effects of concern in the future that had not been appropriately managed by the consent conditions (including cultural effects).
			(h) <i>As noted earlier in this JWS, all experts agree that the specifications for end point state triggers and performance measures for the offset site and planted buffers as set out in the monitoring section of the NIWBMP must be incorporated into the consent conditions.</i>	Table 1 has been added to Condition 3 of AUTH142035.16.01 which includes these measures.
Final response to RFI, including response to matters raised in Ecology – Wetlands Joint Witness Statement dated 21 September 2026				
Response prepared by Grant Eccles (planner, Tonkin & Taylor Limited)				
The Ecology JWS does not set out conditions that specifically address each of the agreements recorded at paragraphs 40 and 44 of the previous JWS dated 6-7 July 2026. To the extent that conditions have been proposed by the various experts as part of the Ecology JWS, these relate to three identified themes, being water augmentation, wetland riparian planted buffers and the wetland offset and compensation site. I address each of these themes in turn below.				

RFI	Condition	Request	Response
			<u>Water augmentation</u> Ms Maseyk (engaged by DOC) has proposed a new condition framework for water augmentation, which is included in Annexure A to the Ecology JWS. These conditions are not supported by all the ecologists who participated in conferencing – neither Mr Dean nor Ms Mueller expressed their support for these conditions. In addition, neither myself nor Mr Chrisp supported the proposed condition framework from a planning perspective. Ms Maseyk’s proposal to require a Water Augmentation Management and Monitoring Plan (WAMMP) is not necessary, and the majority of the matters noted in the Ecology JWS that the WAMMP would be required to address do not meaningfully add to the effective management of effects on freshwater bodies via augmentation compared to what is already required under TIL’s proposed conditions: • The proposal for the consent holder to ensure that only “clean, freshwater from [named sources] is used to augment any wetland or waterway” is already provided for under Conditions 2 and 3 of AUTH142035.14.01 (in respect of augmentation of the Mitiwai Stream) and Condition 7 of AUTH142035.16.01 (in respect of augmentation of wetlands). The reference to named sources is unnecessary, as the controls and parameters in place in respect of water quality of augmentation water will ensure that it is clean freshwater. The requirements relating to electrical conductivity, temperature, turbidity and pH are all included in TIL’s proposed conditions already (Conditions 2 and 3 of AUTH142035.14.01 and Condition 7 of AUTH142035.16.01). It is not necessary to duplicate these requirements in a new management plan. • The wetlands that are to receive augmentation are already identified in Condition 5A of AUTH142035.16.01, which includes a cross-reference to Table 3 of the NIWBMP (which sets out the wetlands that are potentially affected by groundwater drawdown and therefore may require augmentation). • Monitoring of the augmentation discharge is already provided for under Condition 5 of AUTH142035.14.01 and Condition 8 of AUTH142035.16.01. • Contingency measures proposed to be implemented should monitoring indicate that augmentation water does not meet the required parameters are set out in Condition 6 of AUTH142035.14.01 and Condition 9 of AUTH142035.16.01. This proposal would also mean that the proposed condition requiring the cessation of augmentation if the parameters are not met is not necessary, as TIL’s proposed conditions already provide for management measures to be implemented in these circumstances. However, it is acknowledged that the proposed conditions do not set a requirement for augmentation water relating to biological contaminants, aquatic pest organisms or cyanobacterial bloom. Conditions 3 and 4 of AUTH142035.14.01 and Condition 7 of AUTH142035.16.01 have therefore been amended to include these requirements, as follows: AUTH142035.14.01 3. <i>Within 3 months of the commencement of this consent, the Consent Holder shall undertake baseline biological contaminant and aquatic pest organism, temperature, pH, and turbidity measurements at the upstream and downstream flow recording sites referred to in condition 2 above. Any augmentation of base flow in the Mitiwai Stream required by condition 2 above shall not after reasonable mixing, raise the temperature of the stream by more than 3 degrees Celsius or the turbidity of the stream by more than 10%. The pH of the water to be discharged shall be between 6 and 9.</i> 4. <i>Any augmentation of base flow in the Mitiwai Stream required by condition 2 above shall ensure that (i) the upstream passage of fish in the Mitiwai Stream shall be maintained, and (ii) no biological contaminants or aquatic pest organisms not already present in the Mitiwai Stream are introduced to the Mitiwai Stream, and (iii) no cyanobacterial bloom is introduced to the Mitiwai Stream.</i> AUTH142035.16.01 <u>7. The Consent Holder shall undertake:</u> <u>(a) baseline biological contaminant and aquatic pest organism, temperature, pH, and turbidity measurement] within 3 months of the commencement of this consent at retained natural inland wetlands on the Central and Southern Blocks; and</u> <u>(b) baseline temperature, pH, and turbidity measurement within 6 months after establishment of the new natural inland wetland habitat required by Condition 3 above.</u> <u>Any augmentation of water levels in the wetlands referred to in 5(a) and 5(b) above shall be undertaken with fresh water with an Electrical Conductivity not exceeding 1000µS/cm, and shall not raise the temperature of the water in the wetland by more than 3 degrees Celsius or the turbidity of the water in the wetland by more than 10%. The pH of the water to be discharged to the wetland shall be between 6 and 9. No biological contaminants or aquatic pest organisms not already present in the retained wetlands shall be introduced to the retained wetlands, and no cyanobacterial bloom shall be introduced to the retained wetlands, by the water used for augmentation.</u> The final proposed condition in Annexure A to the Ecology JWS is not appropriate or necessary. This condition appears to be based on the assumption by DOC and other parties that augmentation will not be effective as a means of mitigating potential adverse effects on retained wetlands due to groundwater drawdown. No evidence has been provided to demonstrate that augmentation will not work effectively as a mitigation measure, and a robust and comprehensive set of management controls and contingency measures have already been proposed, which must be implemented to ensure that augmentation achieves its intended purpose. <u>Wetland riparian buffers</u> Based on the advice of TIL’s expert ecologists, Mr Dean and Ms Mueller (whose view on this matter is clearly stated at paragraph 27 of the Ecology JWS), a 30m planted buffer is considered sufficient to appropriately manage the adverse ecological effects of mining operations on freshwater bodies and wetlands. No evidence has been presented by the ecologists for other parties to suggest that a larger buffer and/or additional setback is necessary or appropriate, or that the 30m setback that is required under TIL’s existing resource consents is ineffective. Increased setbacks also need to be considered in the context of the significant impact that they will have on TIL’s export revenue, which has been set out at length in TIL’s responses to the section 53 comments and other RFI responses (including RFI 16 below). In terms of the proposed condition framework for riparian buffers set out in Annexure B to the Ecology JWS, each of the matters included in those conditions are already provided for in TIL’s proposed conditions, or in some cases the proposed conditions even go further than what has been set out in Annexure B:

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			3) The Wetland and Riparian Planted Buffers will be monitored in accordance with [the RPMP, author, date] and as required by [Condition xxx (monitoring requirements)]. Retained Wetland and Riparian Planted Buffers – Performance Targets 1) The planted buffers required by [Condition x (above)] must be implemented to achieve the following outcomes and performance targets: a) For planted buffers at each of the retained wetlands: i) At 1-year post planting b) For planted buffers along Mitiwai Stream and Wainui Stream: i) At 1-year post planting Accordingly, no further changes are needed to the conditions to provide for riparian buffers. Wetland offset and compensation site As recorded at paragraph 29 of the Ecology JWS, all of the ecologists agree that the lefthand column of Table 1 in revised Condition 3 of AUTH142035.16.01 (as set out above in TIL's interim response) provides the details of the wetland offset and compensation site that was agreed was necessary in the 6-7 July JWS, and that the righthand column of Table 1 provides the detail of interim or progress targets (paragraph 32). It is therefore unclear why alternative condition wording has been proposed by Dr Maseyk (refer to Annexure C of the Ecology JWS) when TIL's proposed conditions already provide the necessary detail. The structure and content of Conditions 3 and 4 of AUTH142035.16.01 as set out in its interim response to RFI 4 remain appropriate. However, it is acknowledged that the ecologists have recorded their agreement in the Ecology JWS on further amendments to TIL's conditions that they consider to be necessary. In terms of the further changes that are proposed: The ecologists for all parties agree that additional conditions are required in relation to the timing and design of the offset and compensation site, including a description of earthworks specifications required to create the necessary contours for the offset and compensation wetland, and that the requirement for 12-month baseline hydrology monitoring post-earthworks in the NIWBMP should be brought into the conditions. The ecologists further agree that revision is required to the progress targets in Table 1 of Condition 3 of AUTH142035.16.01 to include dominance of wetland plant species rather than just indigenous vegetation for the compensation of seepage wetlands. The ecologists have also recorded their view at paragraph 33 of the Ecology JWS that the contingency measures referenced in Condition 4 of AUTH142035.16.01, which are by way of cross-reference to the NIWBMP, should be specified in Condition 4. To reflect these points, several revisions have been made to Conditions 3 and 4 of AUTH142035.16.01, as set out below (changes made in response to the Ecology JWS shown in yellow highlight): 3. The Consent Holder shall establish ~~a minimum of 8.3 hectares of~~ new natural inland wetland habitat within the ~~Consent Area~~ area surrounding Site 27 as mapped on Figure 3 of the NIWBMP, either through the creation of new wetland areas or by augmenting existing constructed wetlands to achieve the ~~total area~~ ~~Requirements~~ and Progress Targets as per Table 1. The purpose of this new habitat is to generate a net gain offset of wetland vegetation cover to address the loss of wetlands and generate additional gain to compensate for permanent loss of seepage wetlands. 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Section 4.7 of the draft NIWBMP requires vegetation monitoring to be undertaken to track progress against the vegetation cover targets for the site, which includes the targets for the buffer planting area around the site. For the retained wetland and riparian buffers, an equivalent requirement to the above is provided through Condition 7 of AUTH142035.01.01, which cross-refers to the NIWBMP. Section 5.7 was added to the draft NIWBMP as part of TIL's interim response to this RFI. This now requires monitoring of wetland and stream buffers, including setting out the purpose and methodology for this monitoring. Performance targets for the planted buffers are already provided in the following conditions: For the wetland and offset compensation site, Table 1, Rows 3 and 4 provide performance / progress targets relating to buffer habitat. These reflect the requirements set out in section 4.5.1.2 of the draft NIWBMP. 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			<table><tr><td><u>To compensate for the loss of 3.72 ha of seepage wetland, establish at least 5.8 ha of wetland habitat that must comprise of saturated soils (i.e. not standing water) that must reach 90% indigenous cover within 5 years of destruction of Wetlands 5, 6, 7, 20 & 25 as shown on Figure 1.</u></td><td><u>Within 2 years of the destruction of wetlands 5, 6, 7, 20 & 25 as shown on Figure 1, indigenous vegetation cover must be at least 40% in both wetland and buffer habitat.</u></td></tr><tr><td><u>Minimum of 30m wide terrestrial buffer planting around the offset & compensation site.</u></td><td><u>Within 5 years of the destruction of any of the wetlands authorised by this consent, 90% indigenous vegetation cover must be achieved within the planted buffer.</u></td></tr></table> The works to establish <u>the new wetland habitat required by this condition shall start no later than within 2-6 years prior to-of</u> the destruction of any natural inland wetland <u>that is authorised to be destroyed or dewatered by this consent as shown on Figure 1 below</u>, as far as reasonably practicable. <u>Following the completion of earthworks to form the wetland, no planting of the wetland shall take place until water levels within the wetland have been monitored for 12 months and a suitably qualified and experienced ecologist appointed by the consent holder confirms that suitable hydrological conditions within the wetland exist for planting to commence.</u> 4. The new wetland habitat required by Condition 3 shall be designed, implemented, and maintained <u>(maintenance could include but not be limited to additional planting, weed control, hydrological adaptations)</u> to achieve no net loss of wetland habitat and ecological function, as a result of the destruction of wetlands identified on Figure 1 (wetland offset). <u>The responses to be undertaken if the process targets set out in Table 1 are not met are as follows:</u> ~~The specifications for the offset must be included in the Natural Inland Wetland and Buffer Management Plan required by the Schedule 1 General Conditions.~~ <u>a. Additional plants will be planted to fill any gaps. This will be at a higher density than the original planting and use species specified in the planting mix or appropriate schedules.</u> <u>b. An assessment of weed and exotic plant cover will be made, and appropriate weed control undertaken to achieve weed control targets.</u> <u>c. An assessment of pest animal impacts will be made, and appropriate pest control undertaken.</u> <u>d. Additional watering will be initiated during dry months (for terrestrial plantings), if it is deemed by a suitably qualified and experienced ecologist appointed by the consent holder that water stress is an issue.</u> <u>e. If during visual, quadrat or photo monitoring, plants are found to have died, these will be replaced as soon as practicable.</u>	<u>To compensate for the loss of 3.72 ha of seepage wetland, establish at least 5.8 ha of wetland habitat that must comprise of saturated soils (i.e. not standing water) that must reach 90% indigenous cover within 5 years of destruction of Wetlands 5, 6, 7, 20 & 25 as shown on Figure 1.</u>	<u>Within 2 years of the destruction of wetlands 5, 6, 7, 20 & 25 as shown on Figure 1, indigenous vegetation cover must be at least 40% in both wetland and buffer habitat.</u>	<u>Minimum of 30m wide terrestrial buffer planting around the offset & compensation site.</u>	<u>Within 5 years of the destruction of any of the wetlands authorised by this consent, 90% indigenous vegetation cover must be achieved within the planted buffer.</u>																
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5	AUTH 16.01 (Destroy, disturb, dewater natural inland wetlands)	The Panel requests the Hydrogeologist for the Applicant (Mr Scherberg) to advise Ecologists/Experts (and the Panel) which potentially groundwater affected wetlands may require augmentation if water trigger levels are exceeded.	Response prepared by Jacob Scherberg (hydrogeologist, WWLA): The retained wetlands that are at least partially groundwater-fed and within the area where drawdown is expected at some point during the mining sequence are listed in the Table 1 and shown Figure 1. Table 1. Wetlands potentially affected by mining. <table><tr><th>WWLA Wetland ID</th><th>Area (ha)</th></tr><tr><td>62</td><td>0.237</td></tr><tr><td>66</td><td>0.033</td></tr><tr><td>67</td><td>0.076</td></tr><tr><td>69</td><td>0.149</td></tr><tr><td>70</td><td>0.026</td></tr><tr><td>73</td><td>1.902</td></tr><tr><td>74</td><td>0.132</td></tr><tr><td>75</td><td>2.905</td></tr><tr><td>80</td><td>0.198</td></tr></table>	WWLA Wetland ID	Area (ha)	62	0.237	66	0.033	67	0.076	69	0.149	70	0.026	73	1.902	74	0.132	75	2.905	80	0.198
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6.1	AUTH 16.01 (Destroy, disturb, dewater natural inland wetlands)	At the PFC, the Panel was interested in conditions that provided for an early warning approach to managing potential adverse ecological effects from groundwater drawdown (for example, as sought by DoC). The Panel requests the following: 1. The hydrologists for DoC and the Applicant (Mr Blyth & Mr Williamson) to confer and advise on how baseline monitoring and trigger levels would be determined for water level management for groundwater connected wetlands for	Interim response to RFI filed with the Expert Panel on 8 September 2026 Response jointly prepared by Jake Scherberg (hydrogeologist, WWLA), Jon Williamson (hydrogeologist and hydrologist, WWLA) and Grant Eccles (planner, Tonkin & Taylor) The Hydrological Effects Report identified four wetland groups (identified as Groups 1 through 4) based on location and prevailing hydrological conditions, as detailed in Table 13 of Appendix N: • Of these, Wetland Groups 1, 3, and 4 include wetlands that are considered to potentially have some degree of connection to groundwater such that there are potential effects that may occur during the mine stages where excavation is being undertaken closest to a given wetland. • Wetland Group 2 is comprised of riparian wetlands along the Wainui Stream and will be supported by surface water inputs. Wetlands in this group are therefore not considered to be at risk of drawdown. Wetland Group 1 is comprised of a single wetland that is currently being monitored by the piezometer C103, installed on 7/5/2025.																		

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		the purpose of AUTH 16.01 Condition 5(a).	For Wetland Groups 3 and 4, the most vulnerable wetland (in terms of risk of groundwater drawdown) was identified based on the proximity to mining and potential drawdown, with Wetland 72 being identified for Group 3 and Wetland 80 being identified for Group 4. These wetlands both have monitoring piezometers that were installed on 30/10/2025 and 6/11/2025, respectively. Our recommendation is to adopt a methodology similar to that used to set trigger levels (TLs) for the wetland monitoring required under the consent conditions for Aupōuri Aquifer Water User Group, as this approach was agreed upon by hydrology experts, including Mr. Blyth and Mr. Williamson, and recorded in a joint witness statement that was accepted and adopted by the Environment Court⁵. This approach is explained in more detail in TIL’s response to the Panel’s RFI dated 23 July 2026 (see response to RFI 51 at page 94). Our recommendation is that at least one year of baseline monitoring data is collected at each site. The available data should then be used to calibrate a water balance model to project a longer-term data set of at least 20 years in duration that includes historic wet and dry periods as were experienced during 2023 and 2019/2020, respectively. The simulated data can then be used to set TLs using the approach outlined in Table 2. This approach would set three tiers of TLs based on the simulated data calibrated to the baseline monitoring period (>12 months) as specified in the proffered Condition 5 (a) of AUTH 16.01. It is noted that Condition 61 of the Schedule 1: General Conditions allows for monitoring protocol and TLs to be updated upon a 5-yearly review, which will address the effectiveness of consent conditions based on monitoring data collected, observed effects, and/or policy changes if applicable. In this instance, the Baseline Monitoring period for Wetland Group 1 can use the C103 monitoring data that has already been collected. Wetland Groups 3 and 4 will have reached the period required for baseline monitoring in late October/early November 2026. Table 1. Table of trigger levels setting methodology and management responses. <table><tr><th>Trigger Level</th><th>Metric</th><th>Purpose</th><th>Management Response</th></tr><tr><td>TL1</td><td>5 percentile lowest of natural baseline water level.</td><td>Raise awareness of potential issue approaching if decline continues. To enable TIL to closely monitor wetland water levels and make preparations to augment the wetlands in the affected wetland group if declines continue.</td><td> • TIL to alert WRC that levels are approaching the low end of the anticipated range. • No other action required. </td></tr><tr><td>TL2</td><td>1 percentile lowest of natural baseline water level.</td><td>Acknowledgment that groundwater levels are at the limit of their historical range. Question is whether this is likely to continue, hence initiation of a review.</td><td> • TIL to commission a review of the most likely cause of the water level decline considering: • Seasonal climate (natural vs affected by mining); • Rate of decline • Timing with regard to the mining progression • The review must be completed within one month. </td></tr><tr><td>TL3</td><td>Outcome of TL2 review is that effect is likely induced by mining and likely to continue</td><td>Enact measures to mitigate effect</td><td> • Initiate augmentation of all wetlands in the affected group that are potentially connected to groundwater. • Augmentation in the monitored wetland must 1. meet water quality standards for augmentation water; and 2. sustain water level above the 5th percentile as determined from baseline monitoring. • Other potentially groundwater connected wetlands in the group shall be augmented at an equal depth to the monitored wetland, adjusted for area (i.e. if 50 mm/day is added to Wetland 72, other groundwater connected wetlands in Group 3 shall also receive 50 mm/day of augmentation). • Once the monitored wetland can sustain the TL1 depth without augmentation, all augmentation in that wetland group can cease. </td></tr></table> Condition 5 of AUTH142035.16.01 has been amended to reflect the above, as follows: 5. <i>Prior to the disturbance of any natural inland wetland authorised by this resource consent, the Consent Holder shall undertake baseline monitoring of water levels for 12 months commencing during the first 12 months of exercising the consent <u>AUTH142035.01.01 at the following locations set out in Figure xx:</u></i> • <u>Wetland 42</u> • <u>Wetland 72</u> • <u>Wetland 80</u> (a) <i><u>the purpose of the baseline monitoring is to inform the baseline for long-term simulation modelling and definition of trigger levels for the setting of ~~contingency measures management responses~~ (using the methodology set out in Table 2 below), should water levels recede towards historical lows; and</u></i> (b) <i><u>determine the lowest and mean natural water level in each wetland in the periods of December – February, March – May, June – August and September – November (summer, autumn, winter, spring).</u></i>	Trigger Level	Metric	Purpose	Management Response	TL1	5 percentile lowest of natural baseline water level.	Raise awareness of potential issue approaching if decline continues. To enable TIL to closely monitor wetland water levels and make preparations to augment the wetlands in the affected wetland group if declines continue.	• TIL to alert WRC that levels are approaching the low end of the anticipated range. • No other action required.	TL2	1 percentile lowest of natural baseline water level.	Acknowledgment that groundwater levels are at the limit of their historical range. Question is whether this is likely to continue, hence initiation of a review.	• TIL to commission a review of the most likely cause of the water level decline considering: • Seasonal climate (natural vs affected by mining); • Rate of decline • Timing with regard to the mining progression • The review must be completed within one month.	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⁵ Joint Witness Statement – Hydrogeology and Hydrology. 28 January 2022. ENV-2021-AKL-129

RFI	Condition	Request	Response												
			Map Title: Wetlands proposed for consent monitoring Project: Taharoa Ironsand Groundwater Effect Assessment - FTAA Panel Response Client: Taharoa Ironsand Limited Legend - Road - Streams - Lakes - Study Area - TIL Property Boundary - Mining blocks - Wetlands - Wetland monitoring piezometers Data Provenance GIS Layers Drawn by: Jake Schenberg 02/09/2025 Layout & Project File Taharoa Iron Sand Mine Hydrogeological Modelling WILLIAMSON WATER & LAND ADVISORY Figure XX <u>Trigger levels shall be set using the following methodology:</u> <u>Table 2. Table of trigger levels setting methodology and management responses.</u> <table><tr><th><u>Trigger Level</u></th><th><u>Metric</u></th><th><u>Purpose</u></th><th><u>Management Response</u></th></tr><tr><td><u>TL1</u></td><td><u>5 percentile lowest of natural baseline water level.</u></td><td><u>Raise awareness of potential issue approaching if decline continues.</u> <u>To enable TIL to closely monitor wetland water levels and make preparations to augment the wetlands in the affected wetland group if declines continue.</u></td><td> <u>TIL to alert WRC that levels are approaching the low end of the anticipated range.</u> <u>No other action required.</u> </td></tr><tr><td><u>TL2</u></td><td><u>1 percentile lowest of natural baseline water level.</u></td><td><u>Acknowledgment that groundwater levels are at the limit of their historical range.</u> <u>Question is whether this is likely to continue, hence initiation of a review.</u></td><td> <u>TIL to commission a review of the most likely cause of the water level decline considering.</u> <u>Seasonal climate (natural vs affected by mining).</u> <u>Rate of decline.</u> <u>Timing with regard to the mining progression</u> <u>The review must be completed within one month.</u> </td></tr></table>	<u>Trigger Level</u>	<u>Metric</u>	<u>Purpose</u>	<u>Management Response</u>	<u>TL1</u>	<u>5 percentile lowest of natural baseline water level.</u>	<u>Raise awareness of potential issue approaching if decline continues.</u> <u>To enable TIL to closely monitor wetland water levels and make preparations to augment the wetlands in the affected wetland group if declines continue.</u>	<u>TIL to alert WRC that levels are approaching the low end of the anticipated range.</u> <u>No other action required.</u>	<u>TL2</u>	<u>1 percentile lowest of natural baseline water level.</u>	<u>Acknowledgment that groundwater levels are at the limit of their historical range.</u> <u>Question is whether this is likely to continue, hence initiation of a review.</u>	<u>TIL to commission a review of the most likely cause of the water level decline considering.</u> <u>Seasonal climate (natural vs affected by mining).</u> <u>Rate of decline.</u> <u>Timing with regard to the mining progression</u> <u>The review must be completed within one month.</u>
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			Figure 2	

RFI	Condition	Request	Response
			It should be noted that the additional changes proposed by Mr Blyth at paragraph 35 of the Hydro JWS were not agreed to by all hydrologists, and TIL continues to rely on the expert advice of Mr Williamson in relation to this matter. No further changes are proposed to conditions in this regard.
6.2	AUTH 16.01 (Destroy, disturb, dewater natural inland wetlands)	At the PFC, the Panel was interested in conditions that provided for an early warning approach to managing potential adverse ecological effects from groundwater drawdown (for example, as sought by DoC). The Panel requests the following: 2. Ecologists/Experts for the Applicant, DoC, NMKTH, TNNN and WRC to confer and advise on: a. Representative sites for wetland monitoring (as potentially affected by groundwater) i.e. which wetlands per group b. Which indicator species (including taonga species) and how often. c. Methods for doing so.	Interim response to RFI filed with the Expert Panel on 8 September 2026 Response jointly prepared by Hamish Dean (ecologist, SLR Consulting Limited) and Grant Eccles (planner, Tonkin & Taylor Limited) Condition 5A has been amended as follows (with new changes shown in yellow highlight): <u>5A The Consent Holder must engage a suitably qualified and experienced ecologist to undertake baseline monitoring of the extent and health of the wetlands as shown in Table 3 of the NIWBMP within the months of February and March following the commencement of this consent, and every 5 years thereafter. The monitoring shall be undertaken in accordance with section 3.2 of the NIWBMP, including appropriate indicator species. The outcomes of this monitoring shall be provided to Waikato Regional Council.</u> In terms of the specific matters identified in RFI 6(1): (a) Nine Natural Inland Wetlands have been identified as potentially affected by drawdown effects – these are set out in Table 3 of the updated draft NIWBMP. Condition 5A of AUTH142035.16.01 has been updated to refer to Table 3 in stating which wetlands are required to be monitored in accordance with that condition. Monitoring is proposed for all of these wetlands, rather than a representative sample. Each of these wetlands will have one monitoring point (plot) per vegetation type and monitoring will follow a standard methodology. Methods for monitoring these wetlands have now been included in the updated draft NIWBMP. (b) The methodology proposed for this monitoring now includes the use of a methodology which includes the Prevalence Index. The draft NIWBMP has been updated to specifically refer to this methodology, and reference to this methodology and the relevant part of the draft NIWBMP has been added to Condition 5A of AUTH142035.16.01. The Prevalence Index uses the wetland indicator status of each plant species to measure how wet a wetland is – sites with a higher proportion of obligate and facultative wetland species are more likely to be permanently wet. The Prevalence Index can be used alongside vegetation cover and other parameters to monitor if wetlands are drying out or becoming too stressful for wetland species. Taonga species have not yet been specifically included as part of the monitoring methodology but can be discussed at conferencing. (c) See above. Final response to RFI, including response to matters raised in Ecology – Wetlands Joint Witness Statement dated 21 September 2026 Response prepared by Grant Eccles (planner, Tonkin & Taylor Limited) <u>(a) Site to be monitored</u> In respect of (a), the Ecology JWS confirms that all experts agree with TIL’s proposal to monitor individual wetlands under Condition 5A, rather than a representative sample. The ecologists consider that monitoring frequency and timing need to be adjusted, with a trigger for monitoring needing to be established based on the proximity of mine sequencing. They have agreed that Condition 43 in the Schedule 1: General conditions should be amended to require that the annual work plan include specification of the areas to be mined over the next 24 months, to allow for monitoring to commence in the wetlands likely to be affected by drawdown. The intent of the proposal put forward in the Ecology JWS is acknowledged, however, a requirement to specify the areas to be mined over a 24 month period in an <i>annual</i> work plan would not be appropriate, or necessary. The nature of mine sequencing is such that it can be difficult to predict with certainty where exactly mining will occur over a 24-month period, meaning that any specifications of the kind proposed by the ecologists may prove to inaccurate or be superseded when the annual work plan is next updated (which occurs every 12 months). It is therefore proposed to amend Condition 43 to require the annual work plan to specify the areas that are intended to be mined over the next 12 months, rather than 24, to provide greater certainty that monitoring can be commenced at the wetlands that may be affected by groundwater drawdown over that period, as follows (changes made in response to the Ecology JWS shown in yellow highlight): Annual Works Plan 43. <i>The Consent Holder shall, before the final day of May each year, provide Waikato Regional Council with an Annual Works Plan which shall, in relation to the next 12 months, document the following information:</i> (a) <i>Map the areas to be mined;</i> (b) <i>Map the areas to be rehabilitated and/or stabilised;</i> (c) <i>Specify the nature of the proposed stabilisation;</i> (d) <i>Specify the nature of the proposed rehabilitation including the contour (heights and shape), vegetation cover, and maintenance of plantings;</i> (e) <i>Describe any significant maintenance activities;</i> (f) <i>Describe any proposed works, including maintenance works which have been carried out in the prior 12 months such as the maintenance of-on the pipelines and mooring buoy in the Coastal Marine Area; and</i> (g) <i>Describe any operational changes or improvements to be implemented; and</i> (h) Specify any wetland monitoring to be undertaken, including monitoring that may be required in advance of mining planned for later than the following 12 month period. In terms of the proposed amendments to Condition 5A shown at paragraph 57 of the Ecology JWS, there is no objection in principle to the reference to “growing season” rather than the months of February and March, however a definition of “growing season” should be provided to ensure that the condition is sufficiently certain and enforceable. It is also agreed that it would be appropriate to include an equivalent monitoring frequency to that proposed in relation to lake shore wetland monitoring in TIL’s interim response to RFI 13. <u>(b) & (c) Indicator / taonga species</u>

RFI	Condition	Request	Response
			In respect of (b) and (c), Condition 5A of AUTH142035.16.01 has been amended to respond to the matters raised at paragraph 63 of the Ecology JWS regarding which taonga species should be used as indicator species for the purposes of wetland monitoring. Condition 5A has been amended to reflect the above (changes made in response to the Ecology JWS shown in yellow highlight): <u>5A The Consent Holder must engage a suitably qualified and experienced ecologist to undertake baseline monitoring of the extent and health of the wetlands as shown in Table 3 of the NIWBMP within the growing season-months of February and March following the commencement of this consent:</u> <u>a. beginning in the growing season following the commencement of this consent annually for the first three years; then, if adverse effects have not been detected,</u> <u>b. every two years for the next six years; then, if adverse effects have not been detected,</u> <u>c. every 5 years for the duration of this consent.</u> <u>The ongoing monitoring shall be undertaken in accordance with section 3.2 of the NIWBMP, including appropriate indicator and taonga species as set out in Appendix 2 of the Ngaati Mahuta ki te Hauauuru Environmental Management Plan. The outcomes of this monitoring shall be provided to Waikato Regional Council.</u> <u>For the purposes of this condition, "growing season" shall be defined as the period between 1 August and 12 June the following year.</u> <u>Expert review panel</u> The comments expressed by some ecologists (which it should be noted were not unanimously endorsed by the other ecologists) regarding the need for an expert review panel "for the purposes of expert oversight and assessment of monitoring reporting for the life of this consent" are not agreed. A panel of this nature is not necessary or appropriate in the context of resource consents granted to enable a working mine that has been operating for over 50 years to continue operating and low level of potential effects. It is Waikato Regional Council's role to monitor compliance with the resource consents. If conditions are not sufficient to manage effects, then the review conditions in the resource consents provide an avenue for them to be reviewed. There is also an opportunity under TIL's proposed conditions for independent input to be provided in respect of effects management through consultation of TIL's draft management plans.
7	AUTH 05.01 (Water Permit – Surface Water Take)	At the PFC the experts agreed that a 1.5 mm screen was necessary to avoid potential entrainment effects on juvenile protected/threatened or at risk indigenous fish species and that the technology was available for that standard to be met, but that some time would be needed to put in place a new screen and transition to operation of it. To assist with our deliberations on this issue (and others such as the width of riparian wetland margins), the Panel requests Counsel for Applicant to prepare submissions on how viability and practicability inform whether a consent condition is reasonable under the RMA and whether any different approach is required under the FTAA (citing any relevant case law).	A response to this RFI is set out in the Memorandum of Counsel on behalf of Taharoa Ironsands Limited dated 1 October 2026.
8	AUTH 05.01 (Water Permit – Surface Water Take)	AUTH 05.01 conditions 3 and 4 provide for a surface water take of: 9.9 million m3 water per year for operating use (27,200 m3/day rolling 28-day average multiplied by 365 days per year); and 3.0 million m3 water per year for ship loading. This sums to a total of 9.9 + 3.0 = 12.9 million m3 water per year total surface water take. Appendix I (s2.3.3) states that average water use for extracting and exporting 3 million tonnes of ironsand is: 6.4 million m3 per year for operating use; and 3.8 million m3 per year for ship loading. This sums to an annual water use of 6.4 + 3.8 = 10.2 million m3 per year, which	<i>This response has been jointly prepared by Jared Pettersson (environmental engineer, Enviser), Joshua Mawer (hydrologist, WWLA) and Grant Eccles (planner, Tonkin & Taylor Limited).</i> Based on our interpretation of the Panel's question, the Panel appears to have misunderstood TIL's water recycling capabilities and water use requirements on Site. The potential volume of tonnes exported, or number of ship loading events is not an accurate proxy or measure of overall water requirements. The average annual water use volumes referred to in the RFI represent a high-level indicative average based on a snapshot in time, and future water use cannot necessarily be determined by extrapolating these averages. We reiterate the following key points: - Operational water is recycled continuously and used to transport slurry (raw or processed material mixed with water) around the Site. This operational water is recycled repeatedly, and when it becomes sediment laden it is processed so that it becomes clear enough to reuse again. Recycled water forms a significant portion of the mines water balance, and this recycling has not been accounted for in the Panel's calculation. - There is headroom to increase the use of water recycling on site in the future. - Recycled operational water can be reused many times, and it is not lost from the system after recycling. - At present the majority of recycled water is used for operational use, rather than ship loading events – where it would be lost from the system. In other words, the 9,982,000 m³ of water take and use sought by TIL could be used multiple times. - TIL is confident they can achieve up to 5 million tonnes of exports per annum with the water take volumes as sought as part of the application. If there was to be insufficient water available to achieve this target, it would be considered an operational / commercial risk, and not an environmental risk. TIL can curtail production to optimise water take for ship

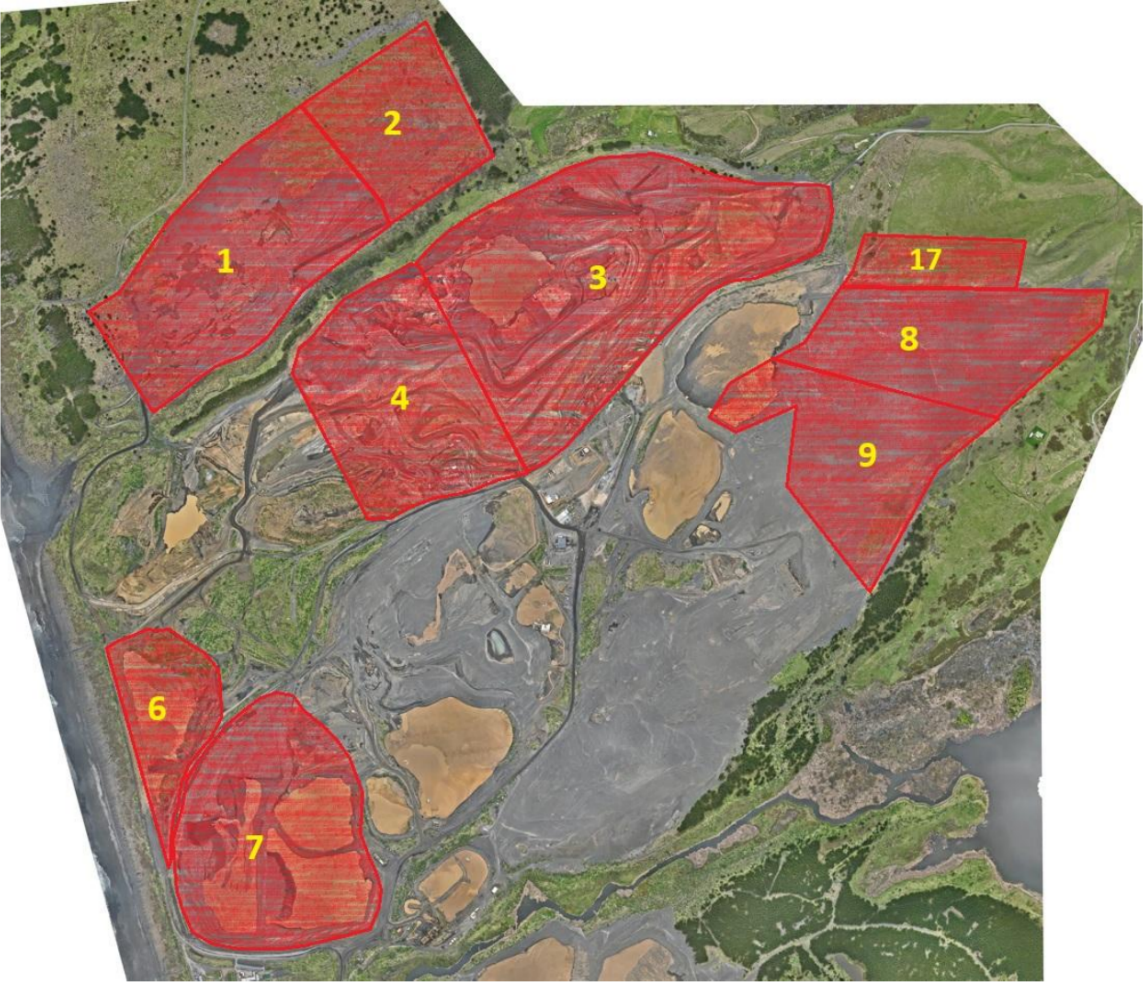
RFI	Condition	Request	Response
		is within the existing consent provision of 12.9 million m3 per year total surface water take. However, the use of water for ship loading is directly proportional to the amount of product being exported (more water will be needed to pump more sand). It is similarly reasonable to expect that the use of water for operational purposes will also be proportional to the amount of sand being extracted, refined and moved around site. This suggests that the future use for an increase in export to 5 million tonnes per year of ironsand could be in the order of $10.2 \times 5/3 = 17.0$ million m3 per year of water use. This scenario would significantly exceed the proposed consent provision of 12.9 million m3 per year total surface water take. The Panel queries the overall site water balance with the Applicant and specifically whether there are any implications for water availability during periods of high production and low rainfall (i.e. maximum daily use) and if not, why not?	loading, which they do for other inputs as well. For example, TIL has a maximum grid electrical power limit of 15MW and this is often approached during ship loading events. The site can reduce or shut down non-ship-loading activities to remain within this limit as required. If a situation was to arise where there was insufficient water available for both operational use and ship loading activities, TIL can easily stop production during ship loading to ensure sufficient clean water is available for ship loading requirements. However, for reasons outlined in the response, this is unlikely to occur. Any indications around the number of ship loading events (or tonnes of export) is considered a realistic potential number based on existing consented water take volumes and anticipated future supply and demand. As previously stated, the number of ship loading events (and tonnes exported) is not an accurate proxy or measure of ship loading and operational water requirements. There are numerous ways in which the number of loadings could increase without increased water take requirements: - Ships can be fully or partially loaded, depending on customer requirements and weather parameters. - The port's weather parameters regularly require a single ship to un-moor and station itself in a sheltered location. The ship then returns and has to re-moor to complete its loading. This occurred twice this September alone. - Part of TIL's existing fleet will need replacement in the future. Replacement ships of different sizes may be used. If smaller ships with lighter water take requirements are used, visit frequency would increase without increasing annual water take. - If a stockpile of product at a nearby port is established as an intermediary storage 'hub', regular/additional loadings at Port Taharoa may occur. If smaller ships with lighter water take requirements are used, visit frequency would increase without any increase in required water take. Other site water uses and collection sources also affect required water take: - The water volumes required for ecological augmentation are minor in comparison to operational and ship loading use. - Perched water, rainfall and other inflows into active mining areas provide an additional input into the overall site water balance, which is not accounted for in the Panel's calculations. - Storm rainfall inputs to the various holding and tailings ponds provides an additional source of water not accounted for in the Panel's indicative water balance calculations. - TIL have never had an issue with too little water. However, TIL has frequently had issues with too much water (due to high rainfall) which has been addressed through discharging additional volumes of stormwater to the CMA. The water taken (and proposed to be taken) under TIL's operational water take consent is either 'first used' as feed in water for the treatment plants (spirals plant and mobile rougher/cleaner plants) or in the Dry Mining Units to liquidise the sand for transport to the treatment plants. The treatment plants generate three outputs, all in a slurry form; the concentrated sand for export (or further processing), tailings and water (with silts/clays). The water from each step is managed as follows: - The concentrate is piped to the export stockpile, where it is dewatered and the collected water is piped to sediment settling basins for reuse as operational water. - The tailings are piped to the active tailings placement area and either dewatered pre-placement (via cyclone stackers) or dewatered in-situ via gravity. All water is collected, routed through sediment settling ponds and reused for operational water. - The sediment laden water from the processing plant is discharged to ponds, the sediment settled out and the water either directly re-used in the processing plant or routed into the general operational water. The spirals plant has dedicated dredge plants that periodically remove the sediment from the ponds to ensure sufficient capacity for treatment. - In all cases, the sediment in the settling ponds is removed as needed, either via floating dredges or via mechanical excavators once the pond has been drained. If required, some of the recycled water can be routed into the ship-loading process as long as it meets required water quality criteria. TIL maintains a large storage pond (the 'K1000' pond) to provide a buffer to ship loading and assist with recycling efforts. To contextualise the volumes of water potentially required for ecological augmentation we note the following: - Water required to maintain flow over the v-notch weir (10 L/s, equivalent to 864 m3/day) and through the fish passage (24 L/s, equivalent to 2,074 m3/day) is equal to ~11% of the maximum operating use daily limit (27,200 m3/day), or ~4% of the maximum daily ship loading water abstraction limit (75,000 m3/day.). - A total of 13.42 ha of wetlands were identified as partially or fully connected to groundwater and hence potentially at risk of dewatering during wet mining. The volume of augmentation water required will differ depending on the magnitude of dewatering and the method used to provide augmentation water (e.g., spray irrigation, distributed discharge points etc.). Assuming an augmentation requirement of 10 mm/day (approximately twice the peak summer evaporation demand), would result in a daily augmentation requirement of 1,342 m3/day. This is equal to ~4.9% of TIL's maximum operating use water take daily limit (27,200 m3/day). This is considered a conservative estimate as it is very unlikely all 13.42ha of potentially affected wetlands would require augmentation supply at the same time given the spatial distribution of these wetlands across the Site. - Site activities can be scaled back to accommodate these ecological requirements if/when required.
9 & 10	Air permit	RFI 9: The Panel considers that an air discharge permit is needed and requests the Applicant to draft air permit conditions utilising the air related conditions currently inserted to AUTH 01.01 (Conditions 8-16). Applicant also to consider the need for other air related conditions in the consent suite (e.g. AUTH 08.01 and	Interim response to RFI filed with the Expert Panel on 8 September 2026 TIL's responses to these RFIs are set out in the following documents: (a) Memorandum of Counsel on behalf of TIL dated 8 September 2026; and (b) Appendix C to the Memorandum of Counsel dated 8 September 2026 – Air Quality Response to Panel RFIs for Taharoa Ironsands, Andrew Curtis (PDP) dated 3 September 2026. Final response to RFI, including response to matters raised in Air Quality Joint Witness Statement dated 21 September 2026

RFI	Condition	Request	Response
		Schedule 1) to be transferred to the air permit. As a general point, at the PFC the Panel expressed a preference for consent conditions to address the “what” (is required) with the “how” to be left to management plans to improve clarity, certainty and enforceability of consents. The air quality experts agreed to confer and advise on good practice consent conditions (as recommended by Mr Stacey for WRC) for dust management (with suggested updates for the dust management plan in chapter 6 of the Environmental Management Plan in Appendix T of the Substantive Application) (refer also next item). RFI 10: The Panel requests the air quality experts confer and advise on: 1. Good practice conditions of consent for managing dust (as recommended by Mr Stacey refer previous point) in the new air permit. 2. The Panel further requests draft consent conditions requiring an action plan with specific actions to be undertaken to reduce overall site PM10 emissions (e.g., xx ha of stabilisation/rehabilitation of existing exposed areas by <i>insert date</i>) if elevated annual PM10 concentrations are measured at Te Kura o Taharoa.	TIL's final responses to these RFIs, informed by the Air Quality Joint Witness Statement dated 21 September 2026 (Air Quality JWS), are set out in the following documents: (a) Memorandum of Counsel on behalf of TIL dated 8 September 2026; (b) Memorandum of Counsel on behalf of TIL dated 1 October 2026; (c) Appendix B to the Memorandum of Counsel on behalf of TIL dated 1 October 2026 – Air Quality Response to Panel RFIs for Taharoa Ironsands, Andrew Curtis (PDP) dated 1 October 2026 (which updates PDP's Air Quality Response dated 8 September 2026); (d) Appendix G to the Memorandum of Counsel on behalf of TIL dated 1 October 2026 – written approval of Peggy Willison dated 24 September 2026; and (e) Conditions – changes have been made to the following conditions by Mr Eccles to reflect matters agreed between Mr Stacey and Mr Curtis in the Air Quality JWS. Where the experts disagreed, changes have not been made to the conditions. The amended conditions are as follows: AUTH142035.01.01 <u>11. All non-reference PM₁₀ monitors used in the monitoring network shall be of the same make, model and configuration. One non-reference PM₁₀ monitor of that make, model and configuration shall be permanently co-located with the reference PM₁₀ monitor at Taharoa School/Kura. Data from the co-located monitors shall be used to establish and periodically review an appropriate site-specific correction factor (k-factor) for application to the non-reference monitoring network.</u> [...] <u>18. The Consent Holder shall obtain and use meteorological data from the Port of Taharoa weather station for the purpose of dust management. The data shall include: wind speed, wind direction, temperature, relative humidity and rainfall. If the Port of Taharoa weather station becomes permanently unavailable, the Consent Holder shall install and operate an alternative on-site weather station that can provide the data set out in this condition for the duration of this consent, and advise Waikato Regional Council of the location of the alternative on-site weather station within 20 working days of its establishment.</u> [...] <u>19. Should the limits set out by Condition 15 be exceeded, an investigation report shall be completed by a suitably qualified and experienced person to determine the cause of the exceedance and identify actions or further mitigation measures to avoid further exceedances. Any recommendations arising from the investigation shall be incorporated into a revised dust management chapter of the EMP. Any EMP amendments arising from the exercise of this condition shall not trigger the requirements of condition 15 of the General Conditions in Schedule One.</u> <u>20. The investigation report required by Condition 19 and if required, a revision of the EMP shall be provided to the WRC for certification within 60 days of the exceedance being recorded.</u> Schedule 1: General Conditions 18. The Consent Holder must prepare a dust management chapter, the objective of which is to avoid offensive or objectionable dust discharges and dust related effects from the mining operations on the site in accordance with the requirements of conditions 8 to 10 inclusive of AUTH142035.01.01. The dust management chapter must include: (a) A general description of the <u>principal dust generating</u> activities and main potential sources of dust emission; (b) A description of the dust mitigation mechanisms which will be deployed on site <u>(including watering, vehicle speed controls, management of exposed surfaces and stockpiles), including an inventory of relevant equipment, materials and relevant operating procedures (including procedures for the inspection, maintenance and availability of dust-control equipment), Total Suspended Particulate and PM₁₀</u> trigger levels for the implementation of dust suppression measures, an inventory of relevant equipment and materials, and contingency procedures; (c) A description of the staff training required, including areas relevant staff are to be trained in, mitigation methods to be used, frequency of training and where training records are to be kept; and (d) Monitoring procedures, including frequency and kind of monitoring to be undertaken to comply with condition 8 and 10 of AUTH142035.01.01, records to be kept and a process for review and reporting where required; and. <u>(e) procedures for monitoring meteorological conditions and identifying periods of elevated dust risk;</u> <u>(f) procedures for the operation, maintenance, calibration, data capture and validation of the PM₁₀ monitoring network in accordance with the manufacturer's instructions and relevant Ministry for the Environment good-practice guidance, including the establishment and application of appropriate site-specific correction factors for non-reference PM₁₀ monitors;</u> <u>(g) PM₁₀ and meteorological trigger levels for the implementation of additional dust mitigation measures;</u> <u>(h) contingency measures to be implemented where elevated PM₁₀ concentrations are recorded, adverse meteorological conditions occur, or normal dust control measures are ineffective;</u> <u>(i) short-term stop-work trigger levels for PM₁₀ concentrations and meteorological conditions at which relevant dust-generating activities, excluding dust suppression activities, must cease;</u> <u>(j) procedures for automated alerts, investigation of trigger exceedances and implementation of corrective actions and</u> <u>(d) The methodology for determining, reviewing and applying the k-factor to the non-reference PM₁₀ monitoring network established in accordance with condition 12 of consent AUTH 142035.01.01, including the frequency of review and any criteria for updating the correction factor.</u>

RFI	Condition	Request	Response
11	Schedule 1: Condition 20 (Site Rehabilitation Plan)	The Panel requests the Applicant to propose conditions for progressive dust stabilisation / rehabilitation for all future mining stages, identifying specific areas, actions, rehabilitation measures and timeframes before the next stage commences, to be certified by council as effective. NB: The Panel appreciates that factors such as location, sensitivity of receiving environment and seasonality would inform the nature of progressive rehabilitation proposed for certification.	<i>Response prepared by Taharoa Ironsands Limited:</i> The practical aspects of how TIL must undertake rehabilitation of mined areas was not discussed during the Panel Facilitated Conference in the context of rehabilitation conditions. Based on the discussion at that Conference, and the way in which RFI 11 has been framed, TIL is concerned that there is a fundamental misunderstanding of the rehabilitation process. It is important that the process is properly understood to ensure that any rehabilitation conditions are appropriate and workable. Ultimately, TIL's rehabilitation programme must adapt to the rate and location that mining is undertaken, and subsequent tailings operations are completed, and is affected by a range of other dynamic factors. It is therefore neither practical nor effective to constrain rehabilitation activities through rigid timeframes or fixed hectare-based targets. <i>The adaptive nature of TIL's rehabilitation programme</i> As noted above, the timing and completion of rehabilitation works is influenced by a range of dynamic factors, many of which are outside TIL's control, including: • The rate of mining, which is dictated by both commercial factors such as market conditions and the price of energy as well as weather conditions, the quality of the sand being mined, the amount of overburden requiring removal and the rate at which ships are loaded. The tailings availability (and the rate at which areas can be rehabilitated) is directly dependent on the rate of mining. • The completion of mining activities in a particular area enabling rehabilitation works to commence the availability of tailings to infill and contour an area where mining has been completed, which is dependent on mining activities being undertaken in another area of the site; • Suitable environmental conditions for the final steps of rehabilitation, including placement of topsoil and planting and any fencing. Planting is generally limited to winter months, as summer conditions are too harsh (hot and dry) for newly planted seedlings to establish successfully; and • The availability of suitable plants. In some years mining sequencing results in larger areas becoming available for rehabilitation but comparatively less tailings are available to commence rehabilitation. The use of fixed time-based triggers for the commencement or completion of rehabilitation in respect of particular areas is therefore problematic, and considering the practical realities of the mining operation are critical when developing conditions intended to govern rehabilitation outcomes Below TIL has described the various stages of rehabilitation to provide more context to the adaptive nature of the process. Rehabilitation typically involves three phases, which may collectively take approximately five years to complete within a particular area. The stages include: • Infilling by way of tailings; • Ground preparation; and • Establishment. Any timeframes are necessarily indicative and remain subject to the range of factors described above. TIL also provides some commentary on the current status of rehabilitation across the site, given there has been considerable misplaced criticism from section 53 parties and the Panel about the rate in which rehabilitation has been occurring. <i>Infilling by way of tailings</i> Tailings (mostly non-ferrous sand with some silt and clays) that are separated from the exportable product during processing are pumped from the processing plant(s) directly to an area undergoing rehabilitation for land contouring across the mine. As mining progresses into new areas, tailings are returned to previously mined ground and the surface is recontoured. Before any recontouring can commence, the deposited tailings (which are deposited hydraulically) must be allowed to dry sufficiently to achieve the stability and bearing capacity required for access by heavy machinery. Once these conditions are met, excavators and dozers reshape and redistribute the material to achieve the planned landform, grades and levels for the area The overall intent for rehabilitation is that as areas are progressively mined out, tailings operations follow and progressively backfill the mined-out areas using tailings from the current mining operation and stockpiled overburden, reinstating a similar (though slightly lower) land profile to that existing before mining. Large cut slopes can remain open for approximately 2-3 years before being substantially backfilled. Tailings placement is subject to engineering design to ensure stability and appropriate drainage, and tailings and overburden placement (and associated discharges of water to land) is one of the activities proposed to be authorised across the entire Taharoa Mine (except within the MHWS, perennial waterbody, and wetland setback areas as set out in the proposed conditions of consent). <i>Ground preparation</i> Following completion of tailings placement and recontouring the location is ready for ground preparation. The type of ground preparation depends on the final ground cover for that particular area and may include: • Stabilisation via compaction, surface coverings and other methods; • Placement of silts/clays and topsoils to provide a basis for future planting; • Harrowing in saturated silts/clays to provide suitable moisture content and water holding capacity for future planting; and • Placement of mulched vegetation to assist with stabilisation and moisture management, and to provide a basis for future planting. This process, can take many months after the completion of tailings due to seasonal and climatic influences. We note that traditional stabilisation techniques may not be applicable to TIL's site or operations – what might work at an inland open cast mine may not be effective at Taharoa. Stabilisation, top-soiling and replanting after tailings placement can take many months following the cessation of mining activity and varies significantly across the mine area. As described above, timing and transition between stages often depends heavily on site and weather conditions. For example, drought and windstorms can affect vegetation growth, and infill or replacement planting may be required.

RFI	Condition	Request	Response
			<i>Establishment</i> Final rehabilitation of the land is not intended to result in complete re-planting or returning the landform to its exact previous pre-mining contour. Specific parts of the landscape will be planted e.g. the ecological corridors, and other parts will be simply stabilised or contoured, in accordance with the wishes of the landowner and in a manner consistent with the Conceptual Site Closure Plan. Revegetation, where required, may involve plantation forestry species, native grasses or other grasses for short-term stabilisation, and may need more than one phase (hardier plants first, to shelter less resilient natives). This is what is referred to as the establishment phase. Because TIL is required to constantly adapt its rehabilitation methods to the environment it operates in, it has trialled a number of planting methods with varying degrees of success as discussed at the Panel Convenor Conference: • Planting of marram grass and wiwi which has proved to be the most effective on the site; • The use of coconut matting, which can be helpful for the establishment of seedlings, but did not prove effective at controlling dust; • Trials of hydroseeding, which was not effective because the climate dried the seeds too quickly, or it was covered in sand; and • Polymer applications to assist with stabilisation. For any planting, the surface needs to have a suitable growing matrix (typically by mixing in or placing silts and clays) before planting can occur. The time needed to do this is variable and depends on the size of the area being rehabilitated, weather conditions and the availability of silts, plants and water. An eco-sourced on-site nursery supplies plants for rehabilitating previously mined areas, using native species transplanted from areas cleared ahead of mining. However, experience indicates that a combination of exotic and native species provides greater assurance of successful establishment. Exotic species are already present across parts of the site and can self-seed in areas. <i>Current status of rehabilitation across the site</i> Over the past 10 years, TIL's mining activity has been focussed on the Central Block but has moved around the Block. This is because TIL has focussed on mining areas of high-grade surface deposits that were not effectively mined by previous operators. More recently TIL has focussed on removing overburden / old tailing tailings in the Te Ake Ake area, to expose valuable resource underneath and prepare the area for deeper mining activities. TIL can understand why it is that the section 53 parties and the Panel may believe that TIL may not progressed rehabilitation in the Central Block– it is not that TIL is avoiding rehabilitation, it is simply that TIL is not yet in the latter stages of the rehabilitation phase in many areas of the Central Block. TIL has been busy working on the tailings phase in several areas of the Central Block (e.g. in areas 6 and 7, as shown on Figure 1, which will be fully rehabilitated by December 2028). That being said, TIL has completed 90 hectares of rehabilitation in the areas closest to their neighbours since December 2020:⁶ • In TA06: Over July 2024 approximately 8 hectares was planted with a mixture of grasses and was stabilised using coconut matting. • In Eastern Blocks Area 1 (identified as areas 5 and 6 in Figure 2 below), approximately 47 hectares was planted in pine seedlings during 2025. • In Pit 1 Northern Block (identified as areas 1 and 2 in Figure 2 below), during 2026, the completed area (being 15 ha) was contoured and spread with vegetative cover that had been removed before mining. This material was used as mulch to support dust control. • Additionally, all of the tauwhare reserves (approximately 20 ha) were planted and fenced between 2020 and 2024. TIL is now undertaking mining progressively from east to west in the area to the South of the Mitiwai Stream (in the northern part of the Central Block). Over the next 6-10 years, TIL anticipates that it will progressively complete excavation of these areas and then turn to complete rehabilitation. TIL acknowledges that the eastern part of this area (identified as areas 3 and 4 in Figure 2 below), along with areas 1 and 2 (Pit 1) areas 5 and 6 (Eastern Block) and the Te Mania Block, are the closest in proximity to the mine's neighbours and sensitive receptors. Noting, however, that the occupier of one of the dwellings on the Kana Property (Taharoa A7J10B Block (Record of Title SA34/B/688) - TIL's closest neighbour, hasprovided their written approval to TIL's resource consent application. TIL is currently engaging with the occupier of the second dwelling on the Kana Property and the landowner about obtaining their written approval. While they do not form part of TIL's Fast-track application, rehabilitation of areas 1 and 2 is currently scheduled to be complete by Sept 2028, areas 5 and 6 by 2034 and Te Mania before the land is due to be handed back by 2030. To provide the Section 53 parties and the Panel with certainty as to the timeframes in which rehabilitation will be completed in areas 3 and 4, TIL has worked with its planning expert, Mr Eccles, to develop a condition which will require mining and rehabilitation works to be completed by the end of 2032 (area 3) and 2034 (area 4). This condition is described in further detail below. This condition will work alongside TIL's existing proposed conditions: • Schedule 1 General Condition 20 (Rehabilitation plan) – sets out the rehabilitation goals, targets and success criteria to be followed in order to achieve the future landforms and groundcovers detailed within the Conceptual Site Closure Plan; and • Schedule 1 General Condition 21 (Conceptual Site Closure Plan) –the objective of which is to detail the future landforms and the nature and extent of groundcover following the conclusion of all mining activities. • Schedule 1 General Condition 43 (Annual Works Plan condition) – sets out work for the next 12 months, must be provided to WRC, and requires amongst other things that the consent holder shall map areas proposed to be mined, stabilised and rehabilitated in the next 12 months including the nature of the proposed rehabilitation including contour, vegetation cover and planting maintenance. Together, the new proposed condition, and the scheduled rehabilitation of areas 1, 2, 5, 6 and the Te Mania Block will see mining activity and rehabilitation completed in all areas closest to sensitive receptors by the end of 2034. After completing mining activity in areas 3 and 4, TIL's mine plan will see mining move west and then further south, away from sensitive receptors. Because of all the variables set out above, TIL is unable to place specific timeframes on rehabilitation for any mining areas, beyond those set out above. TIL can plan with sufficient certainty some 5-6 years in advance, but beyond that is too difficult and subject to considerable uncertainty.

⁶ Attachment 1 – Taharoa Ironsands Limited's response to the Panel's RFI dated 17 July 2026 at page 10.

RFI	Condition	Request	Response
			 <i>Figure 1: Map of short-term rehabilitation areas</i> Response prepared by Grant Eccles (planner, Tonkin & Taylor Limited) and Taharoa Ironsands Limited TIL has set out above the areas on and adjacent to the Central Block where mining will have occurred and tailings and rehabilitation completed by the end of 2034. Areas 3 and 4 are within the scope of the Central/Southern Fast Track application. Conditions are proposed to apply to Areas 3 and 4 that require mining operations (including final rehabilitation) to be completed by the end of 2032 and 2034 in those areas respectively, and for no more mining to occur in those areas for the duration of the relevant consent. The Annual Works Plan and the Site Rehabilitation Plan will continue to apply to those areas and will work in tandem with the more specific conditions proposed for Areas 3 and 4. The 100m Priority Stabilisation area (within which extraction of sand must be completed within 12 months of consent commencement, and stabilisation achieved within 3 months of completion of mining) will continue to apply in the relevant part of Area 3. The proposed conditions requiring a specified finish date for mining operations in Areas 3 and 4 should apply to Land Disturbance Consent AUTH142035.01.01 and are as follows: 7. <i>The consent holder shall ensure that, within the South Mitiwai mining areas referenced as 3 and 4 on Figure xx below, mining operations (including extraction of sand, tailings deposition, contouring and stabilisation, and final rehabilitation) shall be concluded by the following dates:</i> • <i>Area 3: 31 December 2032</i> • <i>Area 4: 30 May 2034</i> <i>provided that final rehabilitation not need be concluded in either Area 3 or 4 for mining operations to be initiated or continue in either Area 3 or 4 or any other mining area on the Taharoa C Block.</i> 8. <i>Following the conclusion of mining operations in Areas 3 and 4 by the dates set out in condition 25 above, the consent holder shall not undertake further mining of sand (apart from work necessary for maintenance of rehabilitation including but not limited to earthworks, vegetation planting/maintenance/clearance, fencing, pest animal control, and associated vehicle movements) for the duration of this consent.</i>

RFI	Condition	Request	Response
			 Figure 2 – South Mitiwai Mining Areas 3 and 4
12	Archaeological Management Plan requirements for the nomination of kaumatua.	The Panel requests representatives of Taharoa C Block, Ngaati Mahuta ki te Hauaaru, Te Kooraha Marae and Aaruka Marae to consult on the method for nominating an agreed list of kaumatua to fulfil responsibilities pursuant to the Archaeological Authority and Archaeological Management Plan.	Response prepared by The Proprietors of Taharoa C Block Incorporated Taharoa C's response to this RFI is provided in Appendix H the Memorandum of Counsel on behalf of TIL dated 1 October 2026 – Response to RFI 12 from the Proprietors of Taharoa C Block Incorporated dated 1 October 2026.
13	AUTH 05.01 (Water Permit - Surface Water Take)	Discussion at the PFC addressed the range of wetland types and locations that would be covered by the baseline extent and health surveys required by condition 8 of Permit 05.01 and the frequency of follow up monitoring (currently 5 yearly) under that condition. The Panel requests that Mr Deans, Ms Morrison, Dr Beard, Ms Passau and Mr King confer on the coverage (wetland types, locations, indicator species) and frequency of this baseline monitoring noting the Regional Council's request that a broader set of wetlands rather than just raupō and flax be covered, recommending any consequential changes for conditions 10 (b) Permit 05.01.	Interim response to RFI filed with the Expert Panel on 8 September 2026 Response jointly prepared by Hamish Dean (ecologist, SLR Consulting Limited) and Grant Eccles (planner, Tonkin & Taylor Limited) Condition 8 of AUTH142035.05.01 has been amended to increase the frequency of monitoring of lake margin wetlands, as follows: 8. The Consent Holder must engage a suitably qualified and experienced ecologist to undertake ~~baseline~~ monitoring of the extent and health of the ~~raupo and flax~~ wetlands on the margins of Lake Taharoa adjoining the Taharoa C Block within the months of February and March: (a) <u>within the first year</u> following the commencement of this consent <u>(baseline monitoring); then</u> (b) <u>annually for the first 3 years following the baseline monitoring; then</u> (c) <u>every 2 years for the next 6 years; then</u> (d) <u>if adverse effects have not been detected through the monitoring required under (b) and/or (c), and every 5 years thereafter for the duration of the consent.</u> The outcomes of monitoring shall be provided to Waikato Regional Council. In terms of the request that a broader set of wetlands be covered, the wetland type proposed to be monitored was stated as raupō-flax wetland because that is the dominant type, and for large areas the only type of wetland on the margins of the lake. These wetlands will be monitored as an indicator, as these are the sites that are accessible from TIL land, but the reference to these specific wetland types is proposed to be deleted from Condition 8 (as shown above). Final response to RFI, including response to matters raised in Ecology – Wetlands Joint Witness Statement dated 21 September 2026 Response prepared by Grant Eccles (planner, Tonkin & Taylor Limited) Condition 8 of AUTH142035.05.01 has been amended to respond to the matters raised at paragraph 63 of the Ecology JWS regarding which taonga species should be used as indicator species for the purposes of wetland monitoring. Condition 8 has also been updated to reflect the point agreed at paragraph 67 in relation to the inclusion of requirement that no adverse effects are detected before the monitoring frequency is reduced (changes made in response to Ecology JWS shown in yellow highlight):

RFI	Condition	Request	Response
			8. The Consent Holder must engage a suitably qualified and experienced ecologist to undertake ~~baseline~~ monitoring of the extent and health of the ~~raupo and flax~~ wetlands on the margins of Lake Taharoa adjoining the Taharoa C Block within the months of February and March: (a) <u>within the first year</u> following the commencement of this consent <u>(baseline monitoring); then, if adverse effects have not been detected.</u> (b) <u>annually for the first 3 years following the baseline monitoring; then, if adverse effects have not been detected.</u> (c) <u>every 2 years for the next 6 years; then, if adverse effects have not been detected.</u> (d) <u>if adverse effects have not been detected through the monitoring required under (b) and/or (c), and every 5 years thereafter for the duration of the consent.</u>
14.Q1	N/A - Economics: Expenditure	The Panel acknowledges the Applicant's response dated 17 July 2026 to the Panel's questions on economic matters in the main RFI. The Panel appreciates that the scale of operations at Taharoa and the related economic data (expenditure, revenue, employment etc.) make a strong case for the mining activity to be considered significant both regionally and nationally. While expenditure and revenue flows are typically presented as net present value figures for the project lifetime in economic impact analyses, in the response to the RFI the Applicant sets out reasons whereby such a discount factor is already built into the projected values, thereby not requiring discounting. Further, while various FTAA economic analyses usually estimate indirect benefits alongside direct benefits, the Applicant proposes that the assessment of significance is to be reliant on direct benefits only. To be sure that the Panel does not misrepresent the projected values, we ask the Applicant to verify our understanding as follows. The projected expenditure for the proposed 30 years of operations is \$9 billion, or approximately \$300 million per annum. Focusing on regional expenditure (as distinct from overseas expenditure) the Economic Assessment (Appendix C) states that 35% of expenditure is on shipping costs. Does the Applicant therefore suggest that the annual regional expenditure is \$195 million, being 65% of \$300 million? If not can an alternative figure for regional expenditure be provided.	Response prepared by Taharoa Ironsands Limited: The projected expenditure of \$9 billion for the proposed 30 year period is a total for regional expenditure only. It is already exclusive of shipping costs and international capex. We are relying on the reported figure of \$298 million per annum for regional expenditure (excluding shipping costs and international capex) to project expenditure out 30 years. For perspective, using actuals for the financial year to June 2026, the company contributed \$319 million to the New Zealand economy. This figure is made up of local expenditure, stock accrual, and cash surplus, all of which will be locally distributed. With regards to the proportion of costs represented by shipping; - Production expenditure can be variable (depending on production levels) whilst shipping costs are largely fixed. This means that when we increase production, shipping costs as a proportion of the <i>total</i> expenditure falls. We have previously seen higher shipping costs as a proportion of total expenditure during times of lower production, resulting in shipping costs representing 35% of total expenditure. - But during the recent period, TIL has achieved increased production and subsequently shipping costs have represented 27% of total expenditure.
14.Q2	N/A - Economics: Expenditure	As noted, the typical approach to generate an NPV would be to discount future expenditure amounts. The Applicant has taken a different approach. Can the applicant confirm that its future expenditure calculations generate a present value for future annual expenditure (year on year) of \$195 million (or the alternative figure) for the 30 year period? Thus regional	Response prepared by Taharoa Ironsands Limited: As above. We are relying on the reported \$298 million per annum figure, including discounting, to project regional expenditure for the proposed 30 year period. This means the total regional expenditure is accurately calculated as \$298m (present value terms) multiplied by 30. This aligns with the \$9 billion figure quoted in the Economic Assessment prepared by Sense Partners, attached as Appendix C to TIL's Substantive Application Report.

RFI	Condition	Request	Response
		benefits, as determined by expenditure, are 30 x \$195 million?	
14.Q3	N/A - Economics: Expenditure	Can the Applicant confirm the key expenditure categories of this regional expenditure? An expenditure breakdown into detailed categories is not required (but a split into capital and operational categories at least would be useful).	Response prepared by Taharoa Ironsands Limited: All of the above regional expenditure falls under the operational category. Capital expense is recorded as a balance sheet item and appears on the profit and loss statement as depreciation.
14.Q4	N/A - Economics: Expenditure	The Expert Panel in the Ayburn Screenhub FTAA project sought information from the applicant's economic impact advisor on the economic significance of other FTAA projects which had been approved. Their response, which depicts NPV expenditure data and FTE employment for 12 projects is shown on page 3 of Economic Memorandum Re: Ayrburn Screen Hub FTAA-2508-1093 – Economic Responses to Minute 10 by Property Economics dated 3 February 2026.1 If the Panel wished to make a comparison between these projects and the Central and Southern Block Mining Project in terms of regional significance, would a comparison of Project benefits as calculated above with recent published regional gross domestic product data such as that published by StatsNZ2 be appropriate? If not, can the Applicant suggest an alternative such comparison?	Response prepared by Dr Kirdan Lees (economist, Sense Economics Limited) Consideration of what constitutes significance Before making any comparison to other projects, it is useful to identify what constitutes significant regional or national economic benefits. The Fast-track Approvals Act 2024 does not prescribe a definition or quantitative threshold. In previous expert evidence I have provided under the Fast-track Approvals Act, ⁷ I have noted that: <i>"One definition of significant is: important or noticeable. I adopt this definition to assess significance. This means we might expect significant impacts to be distinguishable by their size, value, impact on price, or other key economic features. Such a definition implies that the benefits are noticeably different or easily distinguishable from what would occur in the status quo, that is, in the absence of approval of the project application."</i> The Panel for Maitahi Village interpreted "significant" in accordance with its ordinary meaning, being "sufficiently great or important to be worthy of attention; noteworthy". ⁸ Accordingly, significance concerns scale but has no fixed quantitative threshold. A project need not be transformational or produce a 'game-changing' shift in regional or national GDP, to be significant; the Waihi North panel treated 'significant' as an indication of scale. ⁹ To assist with determining the regional or national significance, various Panels have used section 22 of the FTAA (which provides a range of relevant considerations in respect of criteria for assessing a referral application) to provide a useful, though non-determinative guide to assess these benefits. ¹⁰ Panels have also considered that while not strictly required under the FTAA, a helpful tool for evaluating the regional or national significance of benefits is to evaluate the opportunity cost of not granting approval for a project, and economic benefits that would not be realised. ¹¹ Significance depends on the nature and context of the benefits Fast-track panels generally assess economic significance using indicators suited to the nature and location of each project. When I conduct my own assessments, there is no “magic number” that determines if a project is regionally or nationally significant. The sector of the project is relevant. And each project must be viewed as a whole and on its own merits. For housing projects, relevant indicators include housing supply and, at times, prices. For electricity projects, generation capacity and national system effects matter; for ports, trade and network functions matter. For mining projects, employment outcomes matter alongside income, the taxation revenue that is generated and measures of economic activity such as regional expenditure, and GDP. Panels have also used a smaller economic geography to describe regional benefits where it better reflects the affected economy. In Waihi North, for example, "regional" was not treated as synonymous with the regional council boundary. Instead, the panel construed 'regional' in a more general sense covering the area in and around Waihi, which it treated as the Hauraki District, and noted that its employment findings were most robust at that scale. For the Central and Southern Block Mining Project the benefits have been assessed at the Waikato regional level because that is where the mine's \$298 million of annual purchases and its workforce fall, and because Statistics New Zealand publishes GDP at that level and no lower. On the Waihi North panel's approach, which read "regional" as the economy actually affected, the more telling geography is the Ōtorohanga and Waitomo districts, where the 350 direct and contractor jobs are a share of district employment of at least the order the Waihi North panel accepted as significant at 7 per cent, so the regional GDP comparison understates the Project's local significance. Regional GDP is a useful indicator of scale

⁷ See Peer Review: Matakanui Gold FTAA Report for Otago Regional Council, 2025

⁸ Decision of the Expert Consenting Panel for Maitahi Village dated 18 September 2025 at paragraph [516].

⁹ Decision of the Expert Consenting Panel for Waihi North dated 18 December 2025 at paragraph [843]; Decision of the Expert Consenting Panel for Waitaha Hydro Scheme dated 18 May 2026 at paragraph [781].

¹⁰ Decision of the Expert Consenting Panel for Maitahi Village dated 18 September 2025 at paragraph [515].

¹¹ Decision of the Expert Consenting Panel for Homestead Bay dated 18 February 2026 at paragraph [390] and [393].

RFI	Condition	Request	Response
			Regional GDP is the broadest published measure of the size of a regional economy. Statistics New Zealand produces it annually, on a consistent basis across regions, so it gives the Panel an independent, official benchmark against which the scale of a project's economic contribution can be judged. Expressing the Project's contribution as a share of regional GDP also allows the Panel to place it alongside other approved projects assessed in the same way. For example, in respect of the Pound Road Fast-track application the maximum annual value-added of \$510m, about 1 per cent of Canterbury GDP, was used to benchmark the Project, instead of absolute dollar figures, which are difficult to interpret without context. The closest decided comparator to TIL's Project is Waihi North, a gold mining project in the same Waikato regional economy, approved in December 2025. The panel in that application accepted additional New Zealand expenditure of about \$106 million a year over an 18 years period. Of this, around \$60 million per year would be spent in the Hauraki District, around 442 additional jobs in that district (representing more than 7 per cent of district employment), with further employment elsewhere. The panel also accepted that the proposal would deliver government revenue with a present value of about \$422 million, and export revenue of about \$286 million a year. The applicant's own economic report put the average annual spend at about 0.2 per cent of the Waikato regional economy. The economist for Coromandel Watchdog argued it was well under 0.5 per cent. The panel found the regional benefits to be significant. However, I note the panel described "significant" as an indication of scale, not a measurable change in regional or national GDP, and treated employment as a benefit, in its own right, without monetising it. Considering a project's Gross National Income (GNI) instead of regional GDP would, conceptually, enable a closer understanding of the impacts of a project on New Zealand residents' incomes and welfare. However, Statistics New Zealand does not publish Gross National Income on a regional basis, so there is no regional GNI denominator against which the project's benefits can be compared. Regional GDP is therefore a practical contextual benchmark, provided it is compared with value added rather than gross expenditure. GDP measures value added, being wages, profits and taxes on production, whereas a dollar of purchases from a regional supplier includes that supplier's own inputs, much of which are bought from outside the region or imported. Comparing gross purchases with GDP would count those inputs as regional output and overstate the Project's share, so converting purchases to value added keeps the numerator and the denominator on the same basis. <i>Indicative regional GDP effects support regional significance</i> The Project's \$298 million of annual regional purchases should not be compared one-for-one with Waikato GDP. Gross purchases are not value added, although they generate value added through wages, profits and taxes in regional supplier industries. Applying very conservative, illustrative value-added shares of 25–50 per cent to those purchases implies supplier value added of approximately \$75–149 million per annum. Combined with around \$52 million of annual labour income associated with the mine, this indicates a regional economic contribution of roughly \$125–200 million per annum, equivalent to about 0.3–0.5 per cent of Waikato GDP. The estimate excludes the mine's operating surplus and some wider effects, so it is an indicative and very conservative figure, not a complete measure of Project GDP. The Central and Southern Block Mining Project economic contribution is greater than the Waihi North Project, and runs for longer. For example: • regional purchases of about \$298 million a year against Waihi North's additional expenditure in New Zealand of about \$106 million a year, • an indicative value-added footprint of 0.3–0.5 per cent of Waikato GDP against Waihi North's 0.2 – 0.5 percent of Waikato GDP, and • an operating life of around 30 years rather than 18 years. On the approach the Waihi North panel adopted, the Project is at least as regionally significant. The duration of TIL's activity is material. The Central and Southern Block Mining Project is not a short-lived project. Substantial regional purchasing, employment and supplier activity are expected to continue over several decades (30 years). A regional footprint of this scale, sustained for 30 years, is characterised as regionally significant – it not one-off expenditures. <i>Relevance of the Ayrburn Screen Hub comparisons</i> My view is that a direct comparison of the NPV and FTE figures from the Ayrburn comparison table (see below) with the Project is not a sound basis for assessing significance, and that a comparison to regional GDP is superior, for four reasons: • The table reports gross regional output, that is, the total expenditure injected, including inputs purchased from outside the region, whereas regional GDP is value added. Setting a gross output NPV against a value-added denominator overstates every project's share by an unknown and project-specific margin. • The figures are cumulative present values over different periods, discounted at different rates by different economists. Most are construction-phase estimates, and the memorandum itself notes that few of the projects had material operating benefits additional to the counterfactual. Regional GDP is an annual flow. A multi-year construction NPV and one year of regional GDP are not the same kind of quantity, so their ratio has no natural interpretation. • FTE (Full-Time Equivalent) years are a stock of construction employment that ends when the project is built. They are not comparable with ongoing operating jobs, which was the measure the Waihi North panel relied on, and which is the most relevant measure for both Waihi North and the Central and Southern Block Mining Project. • The table's dollar figures take no account of the size of the host economy, and the same \$300 million injection has a different meaning in Auckland, where regional GDP is about \$162 billion, than in Otago, where it is about \$19 billion.¹² The table is still informative on one point, which is that panels have accepted a wide range of scales as regionally significant. For example, the approved Kings Quarry Expansion, the only extractive project in the table, had an NPV of \$140 million, which is less than 0.1 per cent of one year of Auckland's GDP. Ayrburn's construction-phase output of \$224–268 million was around 1.2 to 1.4 per cent of one year of Otago's GDP. Two projects with cumulative NPVs of about \$80 million in the Hawke's Bay (equivalent to roughly 0.6 per cent of a single year's regional GDP), are relevant. because Hawke's Bay, with regional GDP of about \$12.6 billion, is the smallest regional economy in the table and the closest in scale to the district economies around the Central and Southern Block Mining Project. They show the smallest contribution, (about \$80 million in total and roughly 0.6 per cent of one year's regional GDP), that has been accepted as meeting the significance test. One of these projects has been approved and one referred by the Minister as meeting the significance test.

¹² See Statistics New Zealand, Regional gross domestic product: year ended March 2025, released 24 March 2026.

RFI	Condition	Request	Response																																																																	
			The Central and Southern Block Mining Project is larger than every project in the table on any reading. Its regional purchases of about \$298 million a year are, on their own, about 0.8 per cent of Waikato's GDP, and that figure recurs every year for around 30 years, whereas the table's figures are one-off. On a like-for-like value-added basis, the indicative footprint of \$125–200 million a year is 0.3 to 0.5 per cent of Waikato GDP, sustained over three decades. Expressed as a cumulative present value at 8 per cent to match the construction NPVs in the table, the Project's regional purchases are about \$3.4 billion and its indicative value added about \$1.4–2.3 billion, equivalent to between 4 and 9 per cent of one year of Waikato's GDP. In terms of FTEs, the Central and Southern Block Mining Project delivers more than 10,000 FTE years (350 direct staff and contractors for 30 years). Even discounting these figures heavily for the reasons given above, the Central and Southern Block Mining Project is of a larger order than any of the 12 projects in the Ayrburn comparison table. Recommendation For these reasons, my view is that the Central and Southern Block Mining Project is clearly regionally significant. That conclusion is supported by the scale and persistence of regional purchasing, direct and contractor employment, supplier activity and the Project's indicative value-added footprint relative to the Waikato economy, considered together, not against any single threshold. In my view, the scale and persistence of the activity is consistent with national, not only regional, significance. Ayrburn comparison table Table 4: Fast-track Application Economic Significance examples <table><tr><th>Project Name</th><th>Region</th><th>Total NPV to the Regional Economy</th><th>Total Employment (FTE Years)</th><th>Status as at 25 September</th></tr><tr><td>Rangitootuni</td><td>Auckland</td><td>\$708m</td><td>7,015</td><td>Approved</td></tr><tr><td>Drury Metropolitan Centre – Consolidated Stages 1 and 2</td><td>Auckland</td><td>\$1.45b</td><td>7,750</td><td>Approved</td></tr><tr><td>Maitahi Village</td><td>Nelson / Tasman</td><td>\$356m</td><td>2,737</td><td>Approved</td></tr><tr><td>Kings Quarry Expansion – Stages 2 and 3</td><td>Auckland</td><td>\$140m</td><td>1,218</td><td>Approved</td></tr><tr><td>Arataki</td><td>Hawke's Bay</td><td>\$78m</td><td>629</td><td>Approved</td></tr><tr><td>Pohutukawa Business Park</td><td>Auckland</td><td>\$140m</td><td>1,065</td><td>Referred</td></tr><tr><td>Brookvale Green</td><td>Hawke's Bay</td><td>\$81m</td><td>565</td><td>Applied – substantive application lodged 3 August 2026</td></tr><tr><td>Harlow Lifestyle Village</td><td>Waikato</td><td>\$120m</td><td>848</td><td>Referred</td></tr><tr><td>Southern Link Inland Port</td><td>Otago</td><td>\$71.5m</td><td>551</td><td>Panel considering – reapplied 17 April 2026</td></tr><tr><td>Haldon Solar</td><td>Canterbury</td><td>\$189.5m</td><td>242</td><td>Approved</td></tr><tr><td>Waitākere District Court – New courthouse project</td><td>Auckland</td><td>\$218m</td><td>930</td><td>Approved</td></tr><tr><td>Ayrburn Screen Hub (construction only)</td><td>Otago</td><td>\$224m – \$268m (plus \$139m operational minimum)</td><td>2,037</td><td>Approved</td></tr></table> Source: page 3, Property Economics 2026, Economic Memorandum, “RE: AYRBURN SCREEN HUB FTAA-2508-1093 - ECONOMIC RESPONSES TO MINUTE 10”¹³	Project Name	Region	Total NPV to the Regional Economy	Total Employment (FTE Years)	Status as at 25 September	Rangitootuni	Auckland	\$708m	7,015	Approved	Drury Metropolitan Centre – Consolidated Stages 1 and 2	Auckland	\$1.45b	7,750	Approved	Maitahi Village	Nelson / Tasman	\$356m	2,737	Approved	Kings Quarry Expansion – Stages 2 and 3	Auckland	\$140m	1,218	Approved	Arataki	Hawke's Bay	\$78m	629	Approved	Pohutukawa Business Park	Auckland	\$140m	1,065	Referred	Brookvale Green	Hawke's Bay	\$81m	565	Applied – substantive application lodged 3 August 2026	Harlow Lifestyle Village	Waikato	\$120m	848	Referred	Southern Link Inland Port	Otago	\$71.5m	551	Panel considering – reapplied 17 April 2026	Haldon Solar	Canterbury	\$189.5m	242	Approved	Waitākere District Court – New courthouse project	Auckland	\$218m	930	Approved	Ayrburn Screen Hub (construction only)	Otago	\$224m – \$268m (plus \$139m operational minimum)	2,037	Approved
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15	N/A - Economics: Revenue	The projected revenue for the proposed 30 years of operation is \$14 billion based on amongst other things, an assumed constant iron ore price of US\$100 per tonne. The Applicant's																																																																		

¹³ https://www.fasttrack.govt.nz/_data/assets/pdf_file/0032/19895/Attachment-Ayrburn-Economic-Response-Memo-Final_Redacted.pdf

RFI	Condition	Request	Response
			o [REDACTED] - The material in the 100-m buffer around the site perimeter and in the 30-100m buffer area around perennial waterbodies and natural inland wetlands contains significant deposits of high-grade ironsands, particularly near waterways. The significance of this high-grade material in these areas to TIL's operations is disproportionate to its volume, for the following reasons: - High-grade material, due to its free-flowing sand, consistent grade, and lower mechanical breakdown rate, can more than treble daily output compared with low-grade material. Because TIL's costs are largely fixed (long-term fixed-price shipping charters, capital, and energy on a per-day basis), the unit cost of high-grade material mining is substantially lower and the margin per tonne substantially higher. - TIL's contracted grade is 56.8% Fe magnetics. High-grade material can be processed with scavenger units and mobile concentration spirals unit to produce a higher-grade product for customers of up to 62% Fe. TIL has found that its recent shipments have seen its grade averaging 57.2% - this result is welcomed by TIL and drives support to achieve higher prices. High-grade resource can also be blended in processing and on the stockpile with lower-grade material. Without access to the high-grade areas, much of the lower-grade resource would not be commercially viable to mine. Low-grade mining involves higher mechanical breakdown rates, inconsistent feed, and significantly greater processing complexity. - TIL has invested in excess of \$50 million in pre-stripping clay layers and low-grade overburden, and in capital plant and equipment, specifically to access the high-grade resource available in the 100-metre buffer (both around the site perimeter and within 30-100m of perennial waterbodies and natural inland wetlands). TIL incurred a loss of NZD 45 million (for the year ending June 2024) from mining low-grade resource during the pre-stripping phase (which also reduced production to approximately two-thirds of shipping capacity). The plan is to recover that position from the high-grade resource now uncovered. A 100-metre buffer around the site perimeter and within 30-100m of perennial waterbodies and natural inland wetlands would directly strand the benefit of this substantial capital investment. Access to the high-grade resource in the buffer area is critical to TIL's long-term mine plan. It repays capital investment already made and ongoing capital investment, increases stockpile resilience, and effectively subsidises the mining of large low-grade deposits, extending mine life and enabling full utilisation of TIL's shipping capacity. Forcing 100-metre setbacks would, in TIL's assessment, leave it with no choice but to lay off one if not two ships and most of the workforce. The capital investment would be liquidated over a 24-month period. - The volumetric loss caused by buffer / setback areas is amplified by the angle of repose required in TIL's mining design. TIL's internal calculations show at least a 19% volumetric loss of ironsand and concentrate as a result of the setback. At the crest of the pit, a 30-metre buffer already increases to approximately 47 metres at pond water level and 78 metres at mining floor under a 35-degree face angle. A 100-metre crest buffer would therefore result in significantly greater depths of resource sterilisation. - Further costs associated with preparing to mine high-grade material in the 100-metre area from site boundaries and waterways include the relocation of the 33kV electrical lines and the construction of a new bridge at the mouth of the Mitiwai. These costs represent additional investment that would be wasted if a 100-metre buffer were imposed. - The planned mining sequence along the waterways is also time-critical. The preparation for operations in the NTAA area and south of Mitiwai commenced in 2020 and will require at least five further years to complete. The first mining under the mine plan in this area is where costs are highest. Removing this resource in the early years of the mine plan has a disproportionate impact on TIL's financial position relative to the volumetric share alone. This information is set out in further detail at: - Pages 1 – 3 of Appendix G – Key Issues Table to the Substantive Application Report; - Pages 29 – 31 of the Memorandum of Counsel dated 22 June 2026 in response to comments on the Application; - Section 2.3 of Attachment B – Planning Response to Memorandum of Counsel dated 22 June 2026; and - Pages 4 – 6 of Attachment 1 to Memorandum of Counsel dated 17 July 2026 – response to the Panel's RFI 3 dated 23 July 2026. The Panel has indicated that it requires more detailed information from drilling data on the high value of sands in riparian areas (including the Mitiwai Stream) and in proximity to the wetlands proposed to be removed in the southern block. TIL understands the reference to riparian areas to refer to a 100m setback area. In response to the Panel's request, TIL has provided a Geological Paper of the Taharoa Ironsands Mine (Appendix E) which is based on multiple campaigns of exploration drilling across the life of the mine. The last campaign was completed in 2022. Appendix E includes: - Cross-sections of the North Te Ake Ake Pit, south of the Mitiwai Stream, showing the various geological units and location of the lower high-grade 'Adh' and 'Abh' sands which are targeted; - Evidence of the high proportion of high-grade material in the 100m area adjacent to the Mitiwai Stream; and - Cross-sections showing the impact of a 30m vs 100m setback from the Mitiwai Stream, demonstrating the additional volume of high-grade resource that would be lost and the impact of the angle of repose required in TIL's mining design. [REDACTED] As noted above, the cross-sections set out in Appendix E are based on the current block model of site. The current block model is based on over 1,600 separate drill holes from drilling programmes carried out on site over the past few decades. From each drill hole the sand samples have been analysed in a lab and identified for quality and type of material. These are then entered into the database of information used to create 3D 'map' of the site deposit and inform mine planning decisions.

■ [REDACTED]

■ [REDACTED]

RFI	Condition	Request	Response
			TIL has compared the results of extensive mining against the estimates produced by the block model, which has shown a high degree of accuracy confirming the real-world validity of the current block model. This further increases TIL's confidence in the resource that will be lost to the proposed setbacks, including that these areas contain a large volume of high-grade material. When TIL was acquired from BlueScope in 2017, the current owners inherited a block model (a digital 3D grid map to represent an underground ore deposit) supported by a statement of resources in relation to both the Central and Southern Blocks. The statement of resources was prepared in accordance with the Joint Ore Reserves Committee's (JORC) Professional Code of Practice 2012 (JORC Code) for reporting of mineral results. The JORC Code provides a mandatory system for the classification of minerals Exploration Results, Mineral Resources and Ore Reserves according to the levels of confidence in geological knowledge and technical and economic considerations in Public Reports. Since taking ownership, TIL contracted independent drillers to undertake major drilling programmes in the Te Ake Ake area on the central block and smaller satellite programmes in the wider central and southern blocks. Lab analysis was undertaken in TIL's own laboratory bringing the total cost for these programmes to over \$2- million. Subsequently TIL has updated both block model and had a new Statement of Resources complying with the JORC code published by the required independent experts. As set out in our response to RFI 3 cited above, TIL is exploring a further drilling programme (in the Central and Southern Blocks) to further update the block model, consistent with the JORC Code. The historical and substantial drill hole data available measured the Southern Block resource to limited depths only, not to basement which opens the possibility of extensive further resources. Any updated data is expected to show a substantial upgrade in viable resource. To provide supplementary information for mine planning we use grab (ad hoc) samples to inform mine planning. Experience with these sorts of samples in the Southern (and other areas) have shown presence of minable resources.
17	Status of 2020 RMA Consent Process	Can the Applicant provide a brief update on these two processes, as relevant to the application.	Response prepared by MinterEllisonRuddWatts: Status of 2020 RMA Consent Process: TIL's appeal remained on hold until the beginning of 2026 at which point the Environment Court directed that the parties proceed to mediation. Mediation was held between all parties in relation to TIL's appeal on 14 July 2026. An agreement was not reached at mediation. The parties await further case management directions from the Court. The Panel's decision will therefore very likely be made before any decision of the Environment Court in respect of TIL's appeal. Status of Proposed Waikato RCP Appeals: As set out in the latest reporting memorandum filed by Waikato Regional Council on 15 September 2026 (Reporting Memorandum), mediation has occurred for all but one of the appeal topics (which is set down for mediation in the week of 19 October 2026). Agreement has been reached between TIL, the Council and relevant section 274 parties on the majority of TIL's appeal points, however there are some that remain outstanding. For those appeal points that remain outstanding, the Council has indicated that some will likely proceed to hearing while others will be discussed further between the parties to see if they can be resolved. The Council has not provided a list of which outstanding appeal points it considers fit into which of these two categories at this stage. However, we can confirm that TIL is currently engaged in direct discussions with the Council in relation to those aspects of its appeal that have not yet been resolved between the parties.
	Status of Proposed Waikato RCP Appeals		
18	New conditions	Experts agreed on maximum consent envelope approach as proposed by Philip Kelsey. For party review, draft principal conditions relating to the maximum consented envelope of effects approach are provided as follows for comment: - The consent holder shall not drawdown groundwater within the Central and Southern Mine pits below the following levels (levels in terms of RLm Moturiki vertical datum): - Central Mine Pit: - Pit 1 – RLm TBA - Pit 2 – RLm TBA - Pit 3 – RLm TBA - Pit 4 – RLm TBA - Southern Mine Pit: - Pit 1 and 2 – RLm TBA - Pit 3 – RLm TBA - Extension 1 – RLm TBA - Extension 2 – RLm TBA - Extension 3 – RLm TBA Extent of mine stages as presented on Figure 1 of	Interim response to RFI filed with the Expert Panel on 8 September 2026 Response jointly prepared by Jake Scherberg (hydrogeologist, WWLA), Jon Williamson (hydrogeologist and hydrologist, WWLA) and Grant Eccles (planner, Tonkin & Taylor): <u>Conditions 1 and 2</u> In response to suggested conditions 1 and 2, and as per TIL's response to RFI 1 set out above, we acknowledge that maximum groundwater drawdown is largely controlled by the excavation depth. However, the depths of excavation modelled were indicative for effects assessment purposes and to inform the preparation of consent conditions. This (conservative) modelling has been verified by current on-site work which has demonstrated that there is no seepage from the Mitiwai Stream into Pit 1 as a result of current operations. TIL carefully monitors all of its mining activities and reports that it has never observed any seepage from either the Mitiwai Stream or the Wainui Stream when undertaking mining in groundwater. TIL intends to provide further information about these observations prior to expert conferencing on this issue. This indicates there is extremely low potential for, and magnitude of, adverse effects. On this basis, the conditions as proposed by TIL are focused on the monitoring and management of the potential effects of any drawdown that might occur rather than to what depth mining can occur. This is considered to be a more appropriate and effective response rather than restricting the activity by way of pit depth restrictions and conditioning the predicted groundwater level as per suggested condition 2. The Trigger Levels and corresponding management responses that will apply for minimum stream flow requirements (RFI 1) and wetland monitoring (RFI 6) are the most effective means of assuring that adverse effects do not occur – or, if they do occur, they are appropriately managed and mitigated. <u>Condition 3</u> Suggested condition 3 is not considered necessary. Water within a dredge pond would only become saline if groundwater that is naturally saline seeps into the pond. If water within a dredge pond is saline, provided that water is allowed to percolate back into the groundwater through the base of the pond, there will be no adverse effect because that water will eventually find its way back into the saline groundwater layer at depth. The risk of saline intrusion has only been identified with respect to excavation in Pit 1 & 2 in the Southern Block. There are no other groundwater or surface water bodies within the vicinity of the site that could be potential adversely affected by saline intrusion. As set out in Attachment G to TIL's response to comments, this is because all of the relevant surface water features are located above sea level. Any saline intrusion would only occur at a depth that is far below any freshwater features, hence will not cause an increase in salinity. The salinity of any water in the dredge ponds would only generate a potential adverse effect if the saline water is removed from the dredge pond and discharged (undiluted) at an inappropriate location where there was potential for this water to enter a freshwater body. The potential for that to occur is, however, avoided given that any entrained saline dredge pond water is pumped into settling ponds, and/or recycled numerous times through the mine process water system, which dilutes its salinity. While TIL maintains that a condition along the lines of that proposed is unnecessary, if the Panel were minded to include such a condition, it is considered that a limit of 1,000 uS/cm is neither realistic nor practical given the naturally increased salinity of groundwater within parts of the site due to the proximity to the coast. TIL's experts expressly did not agree to the imposition of a limit of 1,000 uS/cm on this basis.

RFI	Condition	Request	Response
		WWLA Appendix N drawing dated 22 August 2025. (RLm stage levels to be provided by TIL.) 2. The consent holder shall not cause dewatering of ground outside of mine pit areas greater than the predicted groundwater levels (levels in terms of RLm Moturiki vertical datum) presented on WWLA Figures A1 to A6 dated 15 July 2023. 3. The consent holder should carry out sand mining activities which maintain Electrical Conductivity of water within all mine pits at less and equal to 1,000uS/cm to control potential saline intrusion of iron sand aquifer.	Final response to RFI, including response to matters raised in Hydrology & Hydrogeology Joint Witness Statement dated 18 September 2026 <i>Response prepared by Grant Eccles (planner, Tonkin & Taylor):</i> <u>Conditions 1 and 2</u> As set out in paragraphs 39 to 41 of the Hydro JWS, the hydrologists and hydrogeologists for TIL and WRC agree that the suite of conditions proposed by TIL is robust with respect to monitoring and contingencies, focusing on the effects from groundwater dewatering. They agree that the effects-based nature of the conditions renders the need for RL limits in the mine pits unnecessary. Accordingly, proposed conditions 1 and 2 are not necessary to manage the effects of the proposed activity. The suggested conditions have therefore not been included in its latest set of conditions provided with this response. <u>Condition 3</u> As set out in paragraphs 47 and 48 of the Hydro JWS, the hydrologists and hydrogeologists for TIL and WRC are also in agreement that controls on the salinity of dredge ponds are not necessary. Accordingly, suggested condition 3 has not been included in the latest set of conditions.

Other conditions-related matters raised at the Panel Facilitated Conference

RFI	Condition	Request	Response
N/A	Proposed conditions requiring mana whenua involvement, including: - Schedule 1: General Conditions: Conditions 15, 21, 41, 42, 44, 45, and 61. - AUTH142035.03.01: Conditions 4, 8 and 10.	At the Conference, there was discussion about the vehicle for an applicant engaging with tangata whenua interests after implementation, including the proposal by Te Ruunanga o Ngaati Mahuta ki te Hauaaaru Charitable Trust for a Marae-led committee. The Panel questioned whether the consent holder would provide funding through conditions for tangata whenua engagement.	<i>Response prepared by Grant Eccles (planner, Tonkin & Taylor Limited):</i> While TIL's proposed conditions do not expressly require the formation of a Marae-led committee to lead engagement with the consent holder in respect of tangata whenua involvement in the conditions, TIL's proposed conditions of consent and the archaeology authority variously require the consent holder to: - Engage with tangata whenua groups including Taharoa C Inc as the landowner, the marae(s), Runanga and the Lakes Trust (tangata whenua groups) on the development of the over-arching Environmental Management Plan for the site including the incorporation of mātauranga Māori measures; - Undertaken ongoing consultation during the development and any material amendments of the Environmental Management Plan with the tangata whenua groups; - A requirement that the Environmental Management Plan must incorporate mātauranga Māori and cultural health indicators; - A requirement to invite the tangata whenua groups to annual consultation meetings; - A Consultation Register to record annual consultation updates; - The provisions of a publicly accessible website that includes the current Annual Works Plan, the Environmental Management Plan, Annual Monitoring Reports and monthly records of: (A) water abstraction; (B) lake levels and rainfall data; (C) monthly stormwater discharge records; and (D) dust monitoring data. The website must also include information on procedures for managing complaints; - Annual Monitoring Reports to be provided to tangata whenua groups; - A requirement that the Conceptual Site Closure Plan includes measures to protect existing Māori reserves and ensure access for customary cultural practices is not prevented in the long term; - A requirement for the consent holder to review and update the existing Wainui Stream Enhancement Plan to improve indigenous biodiversity values in the lower Wainui Stream in consultation with tangata whenua groups and WRC; - A requirement for a fish pass monitoring programme to be developed in consultation with the tangata whenua groups, WRC and the Department of Conservation to ensure the effectiveness for juvenile fish species, with regular reporting. It will be lodged with the WRC within six months of the commencement of the resource consent for written approval by the WRC acting in a technical certification capacity; - A review condition if there were effects of concern in the future that had not been appropriately managed by the consent conditions (including cultural effects); and - Engagement with tangata whenua appointed kaumatua at times of accidental ko iwi discovery. This scope of engagement with the range of tangata whenua groups required is comprehensive and is for all intents and purposes would achieve the same outcome as what a Marae-led committee would achieve. Funding for engagement cannot be conditioned by the panel unless proffered on an <i>Augier</i> basis by the applicant. In this case no such <i>Augier</i> condition is proposed.
N/A	N/A	At the Conference, there was discussion about the desire to keep stray stock out of riparian margins and newly planted areas. TIL's team	<i>Response prepared by MinterEllisonRuddWatts:</i>

RFI	Condition	Request	Response
		members explained the difficulties with keeping stray stock (owned by third parties) out of the site, and the practical difficulties with fencing to keep stock out of certain areas given the windblown sand build up/inundation. In relation to this issue, the Panel queried the legal position in respect of stray stock, including in relation to trespass.	Origin of the proposed stock exclusion condition and legal position This issue traces back to the 2020 RMA Application and the 2024 Hearing Panel Decision. In the 2024 Hearing Panel Decision, the Panel imposed conditions requiring TIL to “as far as practicable” exclude livestock and horses from the consent area and otherwise remove them as soon as reasonably practicable. The conditions also required stock fences to exclude livestock from planted buffers and rehabilitated areas. TIL acknowledges that the primary concern motivating this condition was that stray stock and horses can disrupt rehabilitation progress. As explained at the Panel Facilitated Conference, TIL does not consider that it should bear further responsibility by way of consent conditions to remove stray stock from the site or install extensive fencing to keep out stray stock for the following reasons: • The stray animals and stock are now owned or controlled by TIL – they are owned by neighbouring landowners. Any stock that are found on the site are owned by third parties and have wandered on to the TIL site due to inadequate stock containment and control by the third parties. • TIL already takes extensive steps to manage stray stock – it has a cattle stop at the entrance, large parts of the boundary of the site with Lake Taharoa have been fenced, and TIL seeks to remove stock when practicable. TIL is motivated to remove stock and horses from the site and is continually trying to do so. • TIL regularly undertakes sock musters to remove stock, capturing, and either re-homing or otherwise appropriately disposing of them. However, this takes time, the animals are difficult to capture and contain, and TIL has a difficult process to return them to their owners requiring managing relationships with the owners (and management of their animals). • The public are required to be able to access the site and the beach cannot be entirely fenced off so there will continue to be residual risk of stock gaining access to the site. • Fencing a large portion of the site is not practical given the coastal environmental conditions and sand substrate – which make construction of fencing difficult and undermine their longevity (requiring significant on-going maintenance and expenditure); • Having a similar condition imposed under the Fast-track regime would mean that TIL is faced with an extremely difficult, operationally impracticable, and costly exercise in complying with the condition. The Fast-track Approvals Act 2024 (FTAA) expressly provides that, when setting conditions on a resource consent sought under the FTAA, the provisions of Part 6 of the RMA apply to the Panel and all references to a consent authority must be read as a reference to the Panel (see clause 18, Schedule 5). Section 108AA(1) of the RMA provides that a consent authority must not include a condition in a resource consent for an activity unless: (a) the applicant for the resource consent agrees to the condition; (b) the condition is directly connected to 1 or both of the following: (i) an adverse effect of the activity on the environment; (ii) applicable district or regional rule, or a national environmental standard; and (c) the condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent. Based on the context set out above, we submit that the Panel does not have the ability to impose conditions to require TIL to remove stray stock from the site under section 108AA(1) of the RMA because: • In terms of s108AA(1)(a), TIL has not volunteered or agreed to any conditions relating to the exclusion of stray stock from the site, therefore any such conditions cannot be imposed on an Augier basis. • With respect to s108AA(1)(b)(i), there is no direct connection between management of stray stock and an adverse effect of the proposed activity. TIL is not seeking resource consent for the stray stock to remain on the site – they do not own these animals. • With respect to s108AA(1)(b)(ii), section 108AA(4) provides that, for the purposes of s108AA, a district or regional rule or a national environmental standard is “applicable” if the application of that rule or standard “<i>is the reason, or one of the reasons, that a resource consent is required for the activity</i>”. No applicable regional or district rule has been identified by TIL, the Panel, Waikato Regional Council or Waitomo District Council under which resource consent would be required. • With respect to s108AA(1)(c), the condition suggested by the Panel does not relate to an essential administrative matter. Legal position on trespass At the Panel Facilitated Conference, the Panel questioned the legal position in respect of stray stock. Landowners have a duty of care to prevent their livestock from wandering onto neighbouring properties or onto public roads. The position that owners of stock are responsible for securing the stock is reflected in law, including in relation to a claim of trespass: • Stray animals not owned by TIL wandering onto the Mine site are trespassing on TIL’s property. TIL could have a claim about the owners of the animals for damages in trespass or nuisances under the Trespass Act 1980. • The Impounding Act 1955 sets out the rights of landowners on whose land wandering stock is trespassing. This includes the right of landowners to seize and impound any stock trespassing on the land (section 21). • The Resource Management (Stock Exclusion) Regulations 2020 (Regulations) regulate the access of stock to wetlands, lakes and river and require exclusion of stock from these areas in certain circumstances. These regulations apply strictly to a person who owns or controls stock (which TIL does not). It is therefore the adjacent landowners (who are the owners of the animals) who are required to comply with these regulations and not TIL. • The Waitomo District Council Public Health and Safety Bylaw 2023 (Bylaw) reinforces the obligation to comply with the Regulations. The purpose of the Bylaw is to protect the public from nuisance and maintain public health and safety by controlling the keeping of animals. Clause 6.3 of the Bylaw provides that any person keeping stock in an urban area (which includes at Taharoa) must ensure that premises where stock is kept are secure. The Regulations and the Bylaw clearly place the duty of care on stock owners to keep their animals secure and to prevent trespass. Their presence at the mine site also constitutes trespass under the Trespass Act 1980, for which the owners are liable. The enforcement of the Regulations and Bylaw are regulatory tools falling under the jurisdiction of local authorities, not the consent holder.