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**MINUTE 3 OF THE EXPERT PANEL**

## Invitation to Comment

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

(21 April 2026)

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[1] This Minute addresses invitations to comment on the application under s 53 of the Fast-Track Approvals Act 2024 (the Act).

[2] In accordance with s 53(2) of the Act, the Panel must invite comments from the persons listed in s 53(2)(a)-(n), where relevant. The Panel records that s 53(2)(d),(f) and (n) are not relevant.

[3] In making the Panel's determination of those parties to invite comment in accordance with s 53(2), we have had the benefit of the following information:

- (a) The s 18 report prepared by the Ministry for the Environment dated 11 March 2026 (s 18 report);
- (b) Appendix B to the Substantive Application identifying those owners/occupiers considered to be adjacent to the Application Site by the Applicant; and
- (c) Appendix A to a Memorandum of Counsel for the Applicant dated 7 April 2026 which shows 10 groups identified by the Ministry for the Environment as having relevant interests to the application under s 18(2)(k), that the applicant does not consider either 'adjacent' or impacted by the proposal, or holding a relevant interest in the proposal.

[4] We have also had regard to the Fast-Track Act *Guidance Material Identifying*

*Adjacent Land* and case law as to the meaning of the term “adjacent”, as relevant for the purpose of s 53(2)(h) and (i) of the Act (i.e. owners and occupiers of the Application Site and *adjacent* land).

[5] In particular, we refer to the decision of the High Court in *Wellington City Council v McBride*<sup>1</sup> in which the Court addressed the meaning of the term “adjacent” as follows:

[25] In its literal meaning “adjacent” means “lying to”, “in the vicinity of”, or perhaps in some circumstances “in the neighbourhood of”. It may also mean “adjoining”. The Court of Appeal in *The Mayor, Councillors, and Burgesses of the Borough of Lower Hutt v The Mayor, Councillors, and Citizens of the City of Wellington* [1904] 23 NZLR 519 (CA) made certain observations about the word. The Privy Council in upholding the Court of Appeal Judges’ findings, it did so very shortly, (see [1904] AC 773), and said that “adjacent” is not a word of precise and uniform meaning, the degree of proximity required being a question of circumstances.

[26] The remarks of the Court of Appeal Judges remain pertinent and include the following. Stout CJ said at 522:

“‘Adjacent’ in its primary meaning,...means ‘lying near’. It has been said that a thing ‘adjacent’ to another may be separated altogether from it by the intervention of some third object, whilst a thing ‘adjoining’ must touch in some part, and a thing ‘contingent’ must touch on one side. Even assuming that ‘adjacent’ does not mean ‘touching’, it must mean ‘close’, or ‘bordering upon’,....”

[27] It is clear, however, that “adjacent” connotes “nearness.” How near is that?

[28] Denniston J said at 525:

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<sup>1</sup> CRI-2007-485-33.

“In its wider and more usual meaning ‘adjacent’ has been defined as ‘near to—in the vicinity or neighbourhood of’. Within these limits the application of the word must vary with and depend upon the circumstances of the case....Dealing with a geographical question, we speak of the Channel Islands as adjacent to France, or of Tasmania as adjacent to Australia, although in each case there is a space of many miles between the respective places. It is in every case a question of degree. If it is admitted that actual contiguity is not meant, the question whether one or more local divisions intervene is immaterial. When we have to interpret the word in a statute we have to look at the subject-matter and object of the statute.”

[6] We have found this case law helpful in our consideration of which parcels of land qualify as ‘adjacent’ for the purpose of s 53(2)(h) and (i) of the Act. We note the “subject matter and object” of the Fast Track Approvals Act is to facilitate the delivery of infrastructure and development projects with significant national or regional benefits, with detailed prescription of parties who qualify for standing to make comments. This is less inclusive than the Resource Management Act approach of promoting public notification /participation more broadly.

[7] We have attempted to strike a balance between not excluding parties by adopting an overly literal or conservative approach to the term adjacent (on the one hand) and extending invitations to comment to parties owning or occupying land that is not reasonably close or near to the application site i.e., the site in context (on the other hand). It is as the Courts have stated, a question of degree.

[8] We note for the record in our consideration of identifying adjacent land, the information presented at the Project Overview Conference on 16 April 2026 clarifying that the Substantive Application does not involve any mining or related processing activities within the Northern Block directly. We were

advised there is both an existing resource consent for mining activities in the Northern Block (for a small area known as Pit 1), and a separate listed project under the Act for mining in the Northern Block to be considered by a future Expert Panel. Certain activities within the Central and Southern Blocks will however support future sand mining in the Northern Block area, as explained at section 2.8.2 of the Substantive Application.

[9] We have considered whether to invite land owners and occupiers ‘adjacent’ to the Northern Block to comment in this context as well, and determined that they should be. Section 53 of the Act is clear that owners and occupiers of land adjacent “to which the substantive application relates” must be invited to comment, without any distinction as to which parts of an application site would be utilised for specific activities proposed under the substantive application in question.

[10] We therefore consider that the “land to which the substantive application relates” is the Taharoa C block as a whole for the purpose of s 53(2) of the Act.

[11] With all of these factors in mind, we **direct** that all parties identified in Appendix 1 to this Minute being those parties from who comments must be invited (including relevant iwi authorities, Treaty Settlement entities, Marine and Coastal Area (Takutai Moana) Act applicants and administering agencies) and including those parties required to be invited to comment in relation to the Wildlife and Archaeological Authority applications, along with the owners and occupiers of all areas of land identified as green (being the Taharoa C Block) and orange (being adjacent land) on Appendix 3 must be invited to comment on the Substantive Application.

[12] In addition, we consider it appropriate for the purpose of s 53(3) of the Act that the following parties identified in Appendix 2 to this Minute are to be invited to comment given their previous involvement and in acknowledgement of their mana

whenua status as the relevant Marae communities in the project area:

- (a) Maketuu Marae
- (b) Aaruka Marae
- (c) Te Kooraha Marae
- (d) Te Ruunaunga o Ngāti Mahuta ki to Hauaaruru Charitable Trust.

[13] We note that this direction excludes 9 of the 10 parties identified as “other Māori groups with relevant interests” in the s 18 report, which the Applicant considers do not involve any relevant adjacent interest, in its 7 April memorandum.

[14] Having carefully checked the map in Appendix A to the Memorandum of Counsel for the Applicant dated 7 April we concur with the Applicant’s assessment that these properties do not qualify as ‘adjacent’ with the exception of Taharoa A1C13 Trust and Taharoa Tukua Ahu Whenua Trust which is adjacent to the Northern Block. We note that the remaining parties identified as “other Māori groups with relevant interests” in the s 18 report are adjacent landowners/occupiers, and so are being invited to comment on that basis in any event.

[15] We have also cross referenced all maps, tables and appendices provided to us in the documents referred to at paragraph [3] above and note as a result that, conversely, this direction includes a number of property holdings that are not listed or identified within the Appendix B of the Substantive Application.

[16] In essence, the Panel agrees that all of the areas of land shown green and orange on Appendix 3 to this Minute comprise either the land to which the substantive application relates or adjacent land, within the meaning of that term as established by the Courts.

[17] Beyond the parties stated at paragraphs [11] and [12] above, given the consent history of this matter, including a limited notified process for equivalent applications under the RMA, and in view of the nature and scale of relevant effects of the activity outlined in the Substantive Application (to the Panel’s understanding from its reading

of the Application materials to date), we do not see a need to apply our discretion under s 53(3) to invite comments from any other person.

[18] We record that we are satisfied that all relevant mana whenua parties with whom the Applicant has previously engaged; who were parties to the RMA process, and who qualify as adjacent, are being invited to comment. This will assist us in making a fully informed decision on issues of cultural significance to Māori with respect to the Substantive Application.

[19] The invitation to comment is dated 21 April 2026 and the due date for comments is 20 working days after this date (s 54 of the Act), namely 20 May 2026. Comments must be filed with the EPA no later than 11.59 pm on Tuesday 20 May 2026 via:

- a. email to [substantive@fasttrack.govt.nz](mailto:substantive@fasttrack.govt.nz);
- b. by post to Private Bag 63002, Wellington 6140 New Zealand; or
- c. in person to Stewart Dawson's Corner, 366 Lambton Quay, Wellington 6011



Dave Serjeant  
**Central and Southern Block Mining Project Expert Panel Chair**

## Appendix 1: Table of parties under s53(2) as judged by the Expert Panel

Act section	Description from Act	Party identified
53(2)(a)	the relevant local authorities	<ul style="list-style-type: none"> <li>• Waikato Regional Council</li> <li>• Waitomo District Council</li> </ul>
53(2)(b)	the relevant iwi authorities	<ul style="list-style-type: none"> <li>• Te Nehenehenui Trust</li> </ul>
53(2)(c)	<p>any relevant Treaty settlement entities, including, to avoid doubt,—</p> <p>(i) an entity that has an interest under a Treaty settlement within the area to which the substantive application relates; and</p> <p>(ii) an entity operating in a collective arrangement, provided for under a Treaty settlement, that relates to that area</p>	<ul style="list-style-type: none"> <li>• Te Nehenehenui Trust</li> <li>• Te Whakakitenga o Waikato Incorporated</li> <li>• Te Ohu Kaimoana</li> </ul>
53(2)(d)	any protected customary rights groups and customary marine title groups whose protected customary rights area or customary marine title is within the area to which the substantive application relates	None as per S18 report
53(2)(e)	any applicant group under the Marine and Coastal Area (Takutai Moana) Act 2011 that is identified in the report prepared under section 18 or 49 and seeks recognition of customary marine title or protected customary rights within the area to which the substantive application relates	<ul style="list-style-type: none"> <li>• MAC-01-04-001 / CIV-2017-419-080 Kawhia Tangata, Aotea Whenua, Whaingaroa Moana CMT</li> <li>• MAC-01-04-005 / CIV-2017-404-526 Nga Tini Hapu o Maniapoto, PCR</li> <li>• MAC-01-04-012 / CIV-2017-404-575 – Te Ruunanga o Ngaati Mahuta ki te Hauaauru, CMT and PCR</li> <li>• MAC-01-04-014 / CIV-2017-419-084 Ngaa marae o te takutai</li> </ul>

		<p>moana o Waikato-Tainui, CMT PCR</p> <ul style="list-style-type: none"> <li>• MAC-01-04-006 / CIV-2017-485-207 Ngāti Apakura, CMT and PCR</li> </ul>
53(2)(f)	<p>ngā hapū o Ngāti Porou if the area to which the substantive application relates is within or adjacent to, or the activities to which it relates would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou</p>	<p>None as per S18 report</p>
53(2)(g)	<p>the tangata whenua of any area within the area to which the substantive application relates that is a taiāpure-local fishery, a mātaimai reserve, or an area that is subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996</p>	<ul style="list-style-type: none"> <li>• Kawhia Aotea Taiāpure - Fisheries (Kawhia Aotea Taiapure) Order 2000 (SR 2000/69)</li> <li>• Marokopa Mātaimai Reserve - Fisheries Notice 2010 (No. F567)</li> <li>• Aotea Harbour and Adjacent Waters Mātaimai Reserve - Fisheries Notice 2008 (No. F433)</li> <li>• Area/Rohe Moana of Te Ruawhango o Kāwhia - Fisheries (Kaimoana Customary Fishing) Notice (No. 12) 2010 (No. F542)</li> <li>• Area/Rohe Moana of Ngāti Mahuta ki Taharoa - Fisheries (Kaimoana Customary Fishing) Notice (No. 9) 2007 (No. F420)</li> <li>• Area/Rohe Moana of Marokopa - Fisheries (Kaimoana Customary Fishing) Notice (No. 10) 2012 (Notice No. MPI 87)</li> </ul>
53(2)(h) – (i)	<p>(h) the owners of the land to which the substantive application relates and the land adjacent to that land; and</p> <p>(i) the occupiers of the land to which the substantive application relates and the land adjacent to that land unless, after reasonable inquiry, an occupier cannot be identified; and</p>	<p>Owners and occupiers of the below titles:</p> <ul style="list-style-type: none"> <li>• SA34B/688</li> <li>• 306398</li> <li>• 342064</li> <li>• 707388</li> </ul>

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|  | <ul style="list-style-type: none"><li>• 327519</li><li>• SA26A/1311</li><li>• 382933</li><li>• 484005</li><li>• SA30D/724</li><li>• SA11C/126</li><li>• 350041</li><li>• 348038</li><li>• SA41B/794</li><li>• SA30B/388</li><li>• 476593</li><li>• 476601</li><li>• 476609</li><li>• 476684</li><li>• 286484</li><li>• 337881</li><li>• SA11C/133</li><li>• 350118</li><li>• 476516</li><li>• 327554</li><li>• 348163</li><li>• AUTH103852.01.03 (Coastal Occupation Permit)</li><li>• AUTH103854.01.01 (Coastal Occupation Permit)</li></ul> |
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		<ul style="list-style-type: none"> <li>• SA11C/134</li> <li>• SA30D/431</li> <li>• SA674/292</li> <li>• 319032</li> <li>• 319039</li> <li>• 456083</li> <li>• 460120</li> <li>• 476620</li> <li>• 348161</li> <li>• SA11C/131</li> <li>• SA19C/395</li> <li>• 440060</li> <li>• 707390</li> <li>• 348161</li> <li>• 337871</li> <li>• 462421</li> <li>• 440160</li> <li>• 440196</li> <li>• 282776</li> </ul>
53(2)(j)	the Minister for the Environment and other relevant portfolio Ministers	<ul style="list-style-type: none"> <li>• Arts, Culture and Heritage</li> <li>• Conservation</li> <li>• Economic Growth</li> <li>• Environment</li> <li>• Forestry</li> <li>• Māori Crown Relations</li> <li>• Māori Development</li> <li>• Oceans and Fisheries</li> </ul>

		<ul style="list-style-type: none"> <li>• Regional Development</li> <li>• RMA Reform</li> <li>• Social Development and Employment</li> <li>• Trade and Investment</li> <li>• Treaty of Waitangi Negotiations</li> </ul>
53(2)(k)	relevant administering agencies	<ul style="list-style-type: none"> <li>• Department of Conservation</li> <li>• Heritage New Zealand Pouhere Taonga</li> </ul>
53(2)(l)	any requiring authority that has a designation on land to which the substantive application relates or on land adjacent to that land	None identified
53(2)(m)	<p>if the approvals sought in the substantive application include—</p> <p>(i) an approval described in section 42(4)(a) or (d) (resource consent or designation), the persons and groups listed in clause 13 of Schedule 5:</p> <p>(ii) an approval described in section 42(4)(e) (concession), the persons listed in clause 5 of Schedule 6:</p> <p>(iii) an approval described in section 42(4)(g) (conservation covenant), the persons listed in clause 44 of Schedule 6:</p> <p>(iv) an approval described in section 42(4)(h) (wildlife approval), the persons listed in clause 4 of Schedule 7:</p> <p>(v) an approval described in section 42(4)(k) (marine consent), the persons listed in clause 5 of Schedule 10:</p> <p>(vi) an approval described in section 42(4)(l) or (m) (access arrangement), the persons listed in clause 5 of Schedule 11</p>	<ul style="list-style-type: none"> <li>• (i) an approval described in section 42(4)(a) or (d) (resource consent or designation), the persons and groups listed in clause 13 of Schedule 5: <ul style="list-style-type: none"> <li>○ the Director-General of Conservation</li> </ul> </li> <li>• (iv) an approval described in section 42(4)(h) (wildlife approval), the persons listed in clause 4 of Schedule 7: <ul style="list-style-type: none"> <li>○ the New Zealand Conservation Authority; and</li> <li>○ Waikato Conservation Boards; and</li> <li>○ the New Zealand Fish and Game Council; and</li> <li>○ the Game Animal Council.</li> </ul> </li> </ul>

	(vii)an approval described in section 42(4)(n) (mining permit), the person listed in clause 18 of Schedule 11.	
53(2)(n)	any persons or groups specified by the Minister under section 27(3)(b)(iii).	NA – listed project

## Appendix 2: Table of parties invite under s53(3) as judged by Expert Panel

c	Description from Act	Party identified
53(3)	Comments may be invited from any other person the panel considers appropriate.	<ul style="list-style-type: none"><li data-bbox="963 517 1206 546">• Maketuu Marae</li><li data-bbox="963 584 1182 613">• Aaruka Marae</li><li data-bbox="963 651 1235 680">• Te Kooraha Marae</li><li data-bbox="963 719 1385 824">• Te Ruunaunga o Ngāti Mahuta ki to Hauaaruru Charitable Trust</li></ul>

**Appendix 3: Land to which the substantive application relates and adjacent land**

