

Your Comment on the Central and Southern Blocks Mining Project

Please include all the contact details listed below with your comments and indicate whether you can receive further communications from us by email to substantive@fasttrack.govt.nz.

1. Contact Details	
Please ensure that you have authority to comment on the application on behalf of those named on this form.	
Organisation name (if relevant)	Roy Wetini Whaanau Trust
First name	██████████
Last name	██████████
Postal address	██
Home phone / Mobile phone	██████████
Work phone	
Email (a valid email address enables us to communicate efficiently with you)	██

2. We will email you draft conditions of consent for your comment	
<input checked="" type="checkbox"/> I can receive emails and my email address is correct	<input type="checkbox"/> I cannot receive emails and my postal address is correct

Please provide your comments below, include additional pages as needed.

Please see comments attached.

[REDACTED]
Email: [REDACTED]

Environmental Protection Authority

Email: substantive@fasttrack.govt.nz

20th May 2026

Roy Wetini Whaanau Trust Comments on Fast-Track Application under Section 53 & 54 RMA 1991

Teena koe,

Thank you for the opportunity to comment on Fast-Track Application FTAA-2512-1153 being an application by Taharoa Ironsands Limited. Please find below and attached comments submitted on behalf of the Roy Wetini Whaanau Trust.

Wetini Whaanau Land Description

Wetini whaanau land includes nine parcels of Maaori land with a total area of approximately 90ha. A house is located within Taharoa A1C7A Block (see **Attachment 1**).

This land has been occupied by our whaanau for many years with his father and uncle being born and raised in this location and their parents before them as described in Mr Wetini's Statement of Evidence (**Attachment 2**). The majority of the land is and has for some time been used for dry-stock farming.

The Mitiwai Stream flows alongside our northernmost boundary traversing Tahaaroa C Block and two parcels of Wetini whaanau land before flowing to the south, along our westernmost boundary, out to the coast.

Wetlands are present within the southern part of our whenua including a portion identified as a Significant Natural Area under the Waitomo District Plan.

In August 2023 this land was transferred to the Roy Wetini Whaanau Trust which has resulted in us coming together as a whaanau to consider the future of this whenua including potential opportunities and improvements that can be made. We want to ensure that any changes we make will benefit future generations as well as te taiao.

Wetini whaanau land adjoins Taharoa C Block to the south, west and north being located between parcels known as the Central and Northern Block (see **image 1** below).

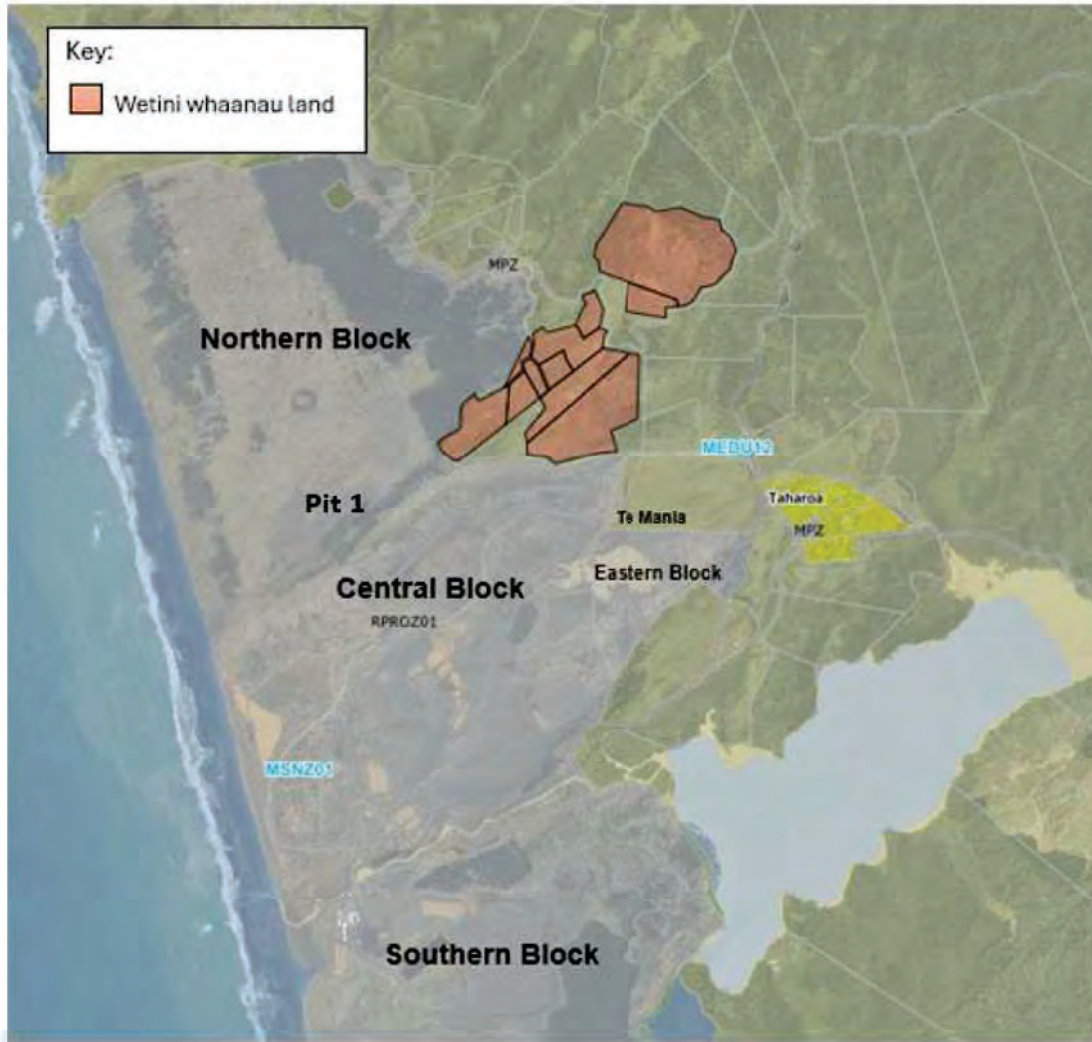


Image 1: Wetini whaanau land in relation to Taharoa C Block (Identified as Northern, Central and Southern Blocks)

Two parcels of Wetini whaanau land adjoin the Central Block including Taharoa A1C7A containing our existing dwelling and A7J11B2B Blk XVI Albatross SD (see **image 2** below and **Attachment 1**).

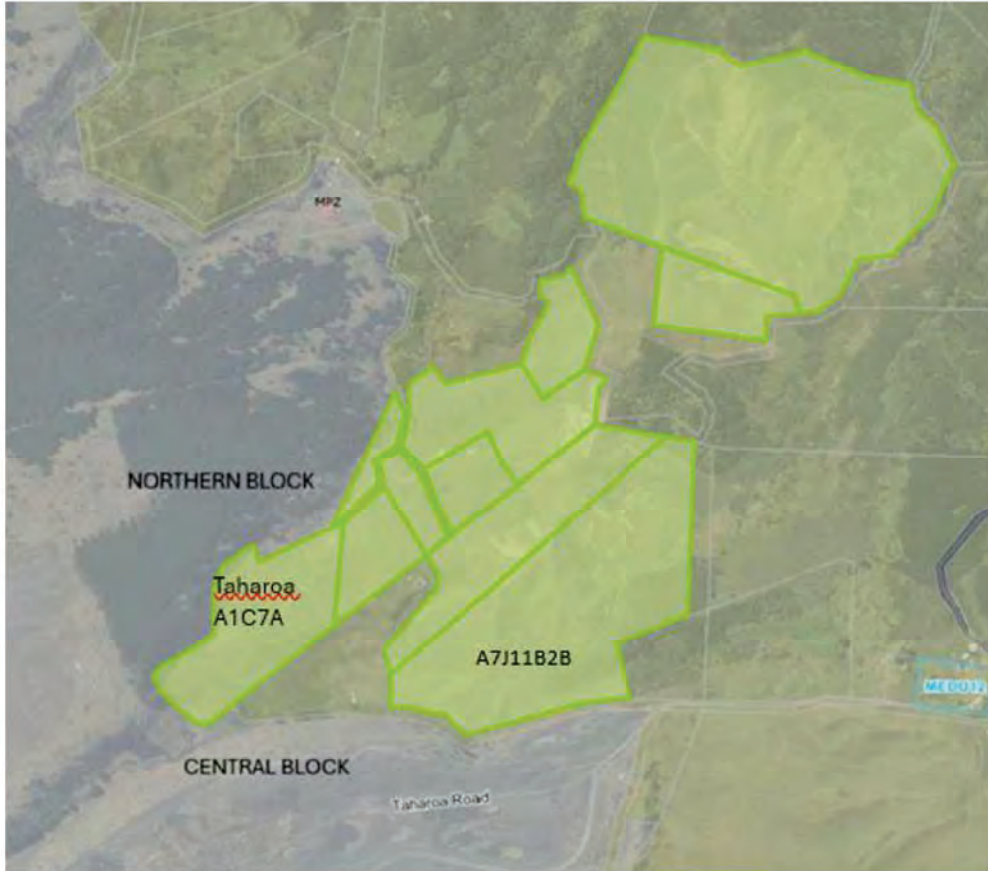


Image 2: Parcels of Wetini whaanau land adjoining the Central Block

From the steep land to the east which includes an identified paa site, we overlook the Central mine site. Since this land was passed to my father in 2012, we have witnessed and, in some instances, recorded significant changes to the landscape.

Impact of Mining Operations

While mining commenced on Taharoa C Block in the 1970's, up until 2023 we have remained largely protected from the direct effects of mining operations within the Central Block due to the presence of a ridgeline located to the south of our dwelling (see **photo 1** below taken in 2013 the same year consent for dry-mining was granted).

Visible signs of works to this ridgeline can start to be seen in family photos from 2020 (**photo 9**) the same year that resource consents for the Central and Southern Blocks expired. Since 2023, mining of this ridgeline has progressed at an alarming rate. As can be seen in **photo 2** below, this ridgeline has now been significantly impacted on by mining works which have resulted in significant ongoing and increasing adverse effects on us and the whenua that we are kaitiaki for.



Photo 1: 7th July 2013- Central Block and ridgeline adjoining Wetini and Kana whaanau land



Photo 2- 5th April 2026- Central Block and ridgeline adjoining Wetini and Kana whaanau land

The mining footprint has continued to increase with mining recently commencing on what that part of the ridgeline located behind the Kana dwelling, to the south and south-east of our dwelling (see photos 3 and 4 below).



Photo 3- 17th April 2026- Mining of Central Block ridgeline has now commenced behind Kana dwelling



Photo 4- 17th April 2026- Mining of ridgeline separating Wetini and Kana whaanau land from Central Block

In addition to mining of this ridgeline, our whaanau have witnessed significant changes to the wider landscape since 2016/ 2017 including an increase in the mine footprint and removal of significant areas of vegetation including a pine tree buffer previously located within the northern and eastern part of the Central Block. Progressive rehabilitation has not been undertaken by the consent holder as has been the practice historically (and as is required under conditions of resource consents) which has created the degraded environment that exists today. These changes are evident in **photos 5 and 6** below and in aerials included in **Attachment 3**.



Photo 5- 2014 (est.)- Looking south towards Central mine site with ridgeline behind dwellings and pine tree buffer behind, Lake Tahaaroa in background



Photo 6- August 2024 Drone photo looking south towards Central Block Lake Tahaaroa visible on left hand side. Wetini dwelling in foreground (dark roof) with remaining ridgeline.

An absence of rehabilitation has exacerbated the effects experienced by our whaanau and on the wider environment including the village of Tahaaroa.

The impact of these works on those adjoining the mine site, the whenua, air and water and wider taiao have been significant and have included:

- o *Adverse effects on air quality.*
- o *Receipt of clay dust on and inside our dwelling.*
- o *Impacts on our potable water supply.*
- o *Adverse effects on our amenity (including air quality, dust, visual amenity, noise and light emissions).*
- o *Impacts on the buffer which previously protected the Mitiwai Stream and wetlands below resulting in erosion and sand migrating down towards wetlands and waterbodies.*
- o *Cultural effects including those set out in comments by NMKTH, adverse effects on our ancestral land, water and air, sites of significance to our whaanau and an inability to fulfil our role as kaitiaki as despite voicing our concerns on numerous occasions we remain unheard by both the consent holder and the Waikato Regional Council.*

These effects are considered further below.

Existing Environment

In considering the effects of the current and proposed works it is relevant to take into account those works that have been lawfully established which form the existing environment.

Throughout the Fast Track Application including within Appendix G TIL claim that *“there is no requirement for its operations to be setback from the boundary of the site.”*

This claim means that the effects of mining up to external boundaries were considered under the resource consent process for existing (now expired) consents, that these works are consented and form part of the existing environment.

Works to date have included mining works in close proximity to external boundaries including the removal of the pine tree buffer that previously existed to the north and east of the Central Block, mining of land beneath and on the other side of this buffer and significant impacts to the ridgeline described.

TIL has provided no evidence to support this claim.

This statement contradicts documentation that we have reviewed to date. Mining operations require consent under Rule 5.1.4.15 of the Waikato Regional Plan for soil disturbance activities in high-risk erosion areas (Discretionary Activity). The Waikato Regional Council has confirmed (letter dated 26th February 2026 see **Attachment 5**) that updated conditions attached to the S127 consent issued in 2013 are the conditions that TIL is required to comply with for current operations in the Central and Southern mining blocks. It is this consent that manages the effects of dry mining as it provides for the operation of wet and dry mining operations within the Central and Southern Blocks (**Attachment 4**).

This consent provided for:

- o *Changes to conditions to consents including 100902 (Land Disturbance) to incorporate a description of the dry mining process to enable both wet and dry mining processes to be undertaken at the mine site.*
- o *Changes to Condition 3 of 100906 to allow water taken during shiploading to be used primarily for shiploading, with any additional water up to a maximum of 75,000m³ / day to be able to be used for operational purposes.*
- o *A new groundwater take and diversion consent required under Rule 3.3.4.24(4) to provide for the diversion of infiltrated run-off, infiltrated tailings water and groundwater from the mining area as the proposed tailing pond may intercept groundwater (consent 126189- not included as part of renewal applications lodged in 2020 and since expired).*

While it is acknowledged that there is no specific condition requiring a minimum setback from external boundaries, TIL are required to operate in accordance with all conditions of consent issued in 2013.

The below general accordance condition is applicable for the raft of consents including 100902 (Land use- Land Disturbance).

Condition 1(i)- Schedule Two

*The activity shall be carried out in general accordance with the application for this resource consent and the document titled "New Zealand Steel- Assessment of Environmental Effects, Taharoa Ironsand Mine, July 2002" **and the application for variation of conditions titled "New Zealand Steel- Taharoa Ironsand Mine Assessment of Environmental Effects- Addendum, 9 January 2013"** except where otherwise identified in subsequent conditions of this consent."*

The below excerpt includes that part of the AEE from this Addendum dated 2013 (see **Attachment 4**) which addressed the effects of land disturbance in high-risk erosion areas from dry-mining activities:

3.4 Land Disturbance in High Risk Erosion Areas

The proposed dry mining area is of a typical sand dune nature, and experiences wind-blown erosion. The mine site is classified as a “high risk erosion” area by the Waikato Regional Plan. Though this area will be exposed to the elements during dry mining operations, the surrounding pine trees will act as an almost continuous buffer between the open mine areas and neighbouring properties.

The proposed dry mining operation will create greater exposed areas than the wet mining operation. However, given the location of the site which is remote from neighbouring properties, and the rehabilitation management of the site, this is not considered to be a significant effect.

In addition, the site will continue to be managed in accordance with the Landscape and Site Rehabilitation Management Plan. Such measures include:

- Rehabilitation of the excavated areas using the tailings, as discussed in Section 2.3;
- Final recontouring of the rehabilitated areas to similar topographic forms to that in the local environment;
- Revegetation of the recontoured land using previously existing vegetation, marram grass, pine tree plantings, and other suitable indigenous species;
- Keeping exposed sand faces to as smaller an area as practically possible to minimise wind erosion and sand shift; and
- Creating wind breaks with tree lines and bund walls along the coastline to help minimise wind erosion.

This consent was processed on a non-notified basis with no affected parties identified on the basis of details contained within the application and the Assessment of Environmental Effects included in **Attachment 4**.

Photo 1 shows Wetini whānau land adjoining the northern part of the Central Block as it existed in 2013 (the same year this consent was granted). The pine trees referred to in the AEE which were described as forming “an almost continuous buffer between open mine areas and neighbouring properties” are visible in **photo 1**, **photo 5** as is the adjoining ridgeline and in aerials included in **Attachment 3**. These trees were still present in 2015 as shown in **photo 7** below.

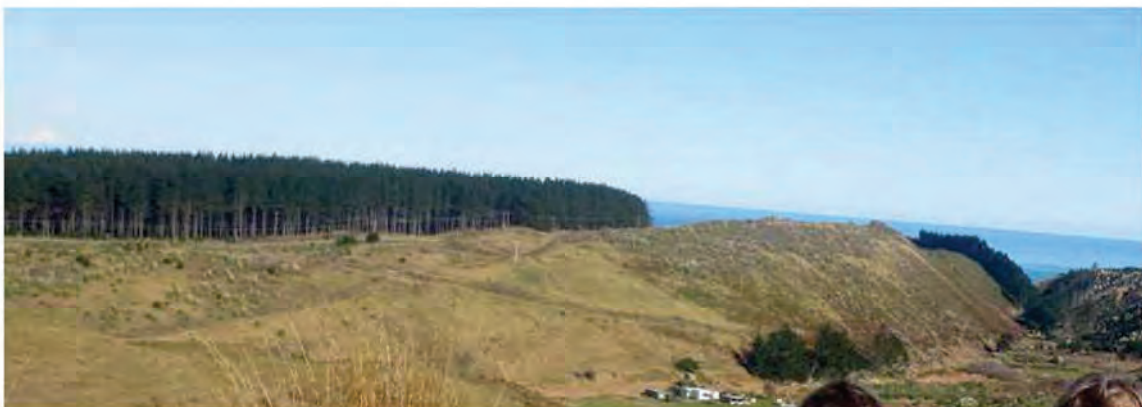


Photo 7 2015- Pine tree buffer and ridgeline

Since granting of this consent in 2013 the pine tree buffer has been removed in its entirety. Based on family photos and aerials it appears this was removed between 2016-2017 (potentially before TIL became the consent holder in 2017).

The removal of the pine trees to the north and east of the Central Block has had a significant impact on off-site effects as this provided a buffer to mitigate a wide range of effects including impacts on air quality and dust effects. In addition to acting as a buffer, this provided a setback between mining operations and external boundaries to the north and east creating a defined mining footprint which as described within the Assessment of Effects dated 2013 (**Attachment 4**) meant that the location of the mine site would be remote from neighbouring properties.

As described in the AEE referred to in Condition 1(i)- Schedule Two, rehabilitation was proposed to keep exposed sand faces to as small an area as possible and would include revegetation of recontoured land to be undertaken annually.

Photo 8 below shows the ridgeline as it existed in 2018 shortly after Taharoa Ironsands Limited became the consent holder in 2017. As can be seen, the pine tree buffer to the north had been removed at this point but the ridgeline remained intact as viewed from Wetini whaanau land.



Photo 8- 2018- Pine tree buffer to north has been removed, ridgeline remains

At the date that resource consents expired in 2020 the ridgeline appeared almost intact when viewed from Wetini whaanau land, although this is when some works started to become visible (see **photo 9** below).



Photo 9: 7th October 2020

The land has changed significantly since this time. Land beneath the pine tree buffer has now been mined as has the land on the external side of this buffer including the western part of the ridgeline adjoining Wetini whaanau land (see **photos 2 and 10**).



Photo 10- 6 January 2025- Overlooking Central Block, mined ridgeline adjoining Wetini and Kana whaanau land

The effects of mining up to external boundaries were not considered within the consent issued in 2013 as this activity was not proposed (see AEE within **Attachment 4**). Activities that have taken place where effects have not been considered include the removal of the pine tree buffer to the north and east of the Central Block, mining of land beneath this buffer and impacts to land on the other side of the buffer (including the

ridgeline). These works are not in general accordance with the AEE Addendum dated 2013 and therefore breach general condition 1(i) required under consent 100902 (Land Use- Land Disturbance).

Based on all information available to us, when considering effects of mining up to external boundaries as part of the Fast Track Application submitted by TIL as the effects of this activity have not been considered/ consented, we consider it is appropriate to treat these works as an expansion of the mining footprint approved under consent 100902 (Land Disturbance) rather than a continuance of an existing activity.

Air Quality and Dust Effects (Health and Potable Water)

The ridgeline described is located to the south-west of us in the direction of the prevailing winds. Since mining of this ridgeline commenced we have experienced a noticeable decline in air quality. In times of high winds we have witnessed clouds of clay dust moving across the land well outside the mine site towards Tahaaroa village and to the north (**photo 11 and 12**).



Photo 11- 18th March 2024 View from Wetini whaanau land looking mining operations within Central Block

At times we have had to bring our tamariki inside due to concerns for their health as a result of clay dust in the air. While the most significant effects occurred when works were being undertaken on top of the ridgeline, these effects are ongoing.

Between 2023/ 2024 we began to noticeably experience clay dust on and inside our dwelling. This is brown in colour and differs from dust typically found in a dwelling. This was visible on surfaces inside the dwelling including benches, on ventilation within the kitchen, net curtains, toilet cistern. Clay dust was (and still is) present on our roof which washes into our water tank and potable water supply which we no longer drink. While the worst of the clay dust was received when TIL were mining the top of the ridgeline to the south-west of us, this remains an ongoing issue for us.

Activities currently being undertaken at the mine site generate unacceptable effects on air quality and we are extremely concerned at the potential health effects of airborne clay dust both inside our dwelling and when we are outside.

These concerns were raised in letters sent to WRC (**Attachment 5**), and within statements presented at the resource consent hearing for the Central and Southern Block in 2024 (**Attachment 2**).



Photo 12- 18th March 2024- Looking north-east from Wetini dwelling visibility impacted due to presence of clay dust.

The Fast Track application does not include sufficient mitigation to alleviate our concerns in regard to impacts on air quality and dust effects from existing and proposed works including effects on our amenity, ability to enjoy outdoors and nuisance effects and potential wider effects on the taiao.

Based on our experiences to date the key mitigation measure to protect us from the adverse effects on air quality is a setback from external boundaries, the retention of the adjoining ridgeline (now impacted by mining works) and implementation of progressive rehabilitation. TIL does not propose to retain the ridgeline or to retain a setback from external boundaries being key reasons we do not support the application in its current form. We support conditions of consent outlined in the Commissioners Decision (App142035) which we consider would address our concerns regarding air quality effects.

Amenity

Adverse amenity effects experienced include those on air quality, dust, visual amenity, noise effects (including cumulative) and impacts from light emissions. Mining works impact us when we spend time in our dwelling and in our enjoyment of the outdoor environment. We can no longer escape the effects of mining operations including when we visit our whaanau urupaa from which we can see and hear the mine and at times feel the clay dust in the air. We are no longer protected from these activities and we are concerned about our ability to continue to connect to our ancestral lands.

Air Quality & Dust Effects

When clay dust moves across the land outside the boundaries of the mine site this impacts on visibility and affects our amenity. This clay dust eventually settles- on the land, in the waterbodies, wetlands and on people's property. In times of high south-westerly winds mining works impact adversely on air quality at our whenua which affects our ability to enjoy the outdoor environment.

Clay dust settles on and inside our house and in addition to concerns we have about the impacts of this on our health, this is a nuisance and an off-site effect that is not acceptable to us.

Significant mitigation measures would need to be implemented to mitigate the effects of existing works and those additional works proposed under the Fast track Application. In its current form insufficient mitigation is included to alleviate our concerns in regard to impacts on air quality and dust effects from proposed works including effects on our amenity, ability to enjoy outdoors, nuisance effects in addition to potential wider effects on the taiao.

Visual Amenity

As can be seen in the **photo 13** below, works to the adjoining ridgeline mean that we now have a view into the inner workings of the mine site. We now look out to and experience an activity that is industrial in nature which has had a significant adverse effect on our experience of our whenua. Impacts on our visual amenity will increase significantly as mining of the remainder of the ridgeline progresses and we become more exposed to adjoining mining activities to the south.



Photo 13- 3rd June 2024- Wetini dwelling in front, Central Block mining operations in background.

Noise

Noise from Central Mine Block

Impacts to the adjoining ridgeline have significantly increased noise experienced by us both from our dwelling and that experienced outdoors on our whenua. This was particularly problematic when mining occurred on top of the ridgeline which resulted in a level of noise that made falling asleep difficult and would startle us awake from sleep. Noise disturbance occurred when works to the ridgeline were being undertaken in excess of 400m away.

The Fast Track application does not include sufficient mitigation to alleviate our concerns in regard to impacts on noise effects from proposed works. Works proposed include mining of the ridgeline to the south of us. We are identified as one of the noise sensitive receivers (NSR) adjoining the Central Block.

It is our expectation that noise effects will increase in the short and long-term as mining of the remainder of the ridgeline progresses due to impacts on the noise buffer to the south. It is proposed that operations will occur 24 hours a day with the exception of mining along the ridge between the Central Block and Kana homestead which will occur between 7am-7pm until operations progress below the ridgeline and out of sight of the NSRs.

Mitigation measures outlined in the Fast Track application are not sufficient to alleviate our concerns in regard to short and long term noise-effects. To address noise effects we request the inclusion of conditions of consent included to mitigate effects on air quality as per the decision of the Hearing Commissioners dated November 2024. Of particular importance to us is the inclusion of a 200m setback from external boundaries which would require the retention of the remainder of the ridgeline.

Cumulative Effects

Cumulative Dust Effects

Section 8.1.18.9 of the substantive application addresses cumulative effects. This confirms that based on the Air Quality Assessment prepared by PDP (Appendix S) *“there is a low risk of cumulative effects due to the significant separation distances between dust-generating blocks and sensitive receptors, the infrequency of wind conditions that would place receptors downwind of multiple blocks, and the implementation of effective dust mitigation measures across the site.”*

This statement is inaccurate as described within this document works proposed within this application (and currently progressing) are in extremely close proximity to sensitive receptors including mining of a ridgeline with an existing dwelling located at the base to the south and south-east of Wetini whaanau land (see **photos 2, 3 and 4**).

We adjoin both the Central and Northern Blocks and as such cumulative dust effects would be relevant for us when westerly winds are blowing. Sufficient mitigation measures have not been included within this application to alleviate our concerns in regard to cumulative dust effects. The key mitigation we seek is a 200m setback from external boundaries in line with the Commissioner’s decision and conditions requiring rehabilitation as described on page 22.

Cumulative Noise Effects

The Noise Assessment contained within Appendix W of the Substantive Application does not assess cumulative noise effects of the proposed works nor does the cumulative assessment contained within Section 8.1.18.9 of the application. Cumulative noise effects is one of the issues which we raised within our feedback to TIL dated 12th June 2025 (see **Attachment 6**) which has not been addressed.

In December 2024 the Waikato Regional Council granted a consent for Northern Block- Pit 1 (AUTH146338.01.01 and AUTH146338.02.01). This land parcel adjoins Wetini whaanau land to the west (see **image 1**). The application initially sought a short-term consent of 1 year (later extended to 5 years) for a 5ha pit with associated works covering an area of 23 ha.

On 3rd October 2025 a consent was granted by WRC to change the conditions of consent to authorise the 5 ha pit to be located anywhere within the 23 ha site increasing the area to be mined from 5ha to 23 ha (albeit the active sand extraction area is limited to a maximum area of 5ha at any one time). Both applications were processed on a non-notified basis with no affected parties identified despite mana whenua voicing concerns in regard to this application with specific concerns about works being located only 30m from Mitiwai Stream. Concerns of the RWWT were voiced in a letter to WRC on 13th January 2025 (see **Attachment 5**).

Since granting of this consent we have experienced an increase in noise effects both at our whenua and from our dwelling as we hear noise from both the Northern Block (Pit 1) and Central Block mining activities. We hear the droning of machinery throughout the day and night which increases during south-westerly winds.

Given the noise effects we currently experience from both the Central and Northern Blocks which we anticipate will increase significantly with the proposed mining of the adjoining ridgeline we are concerned about cumulative noise effects. Cumulative noise effects were not assessed within the Northern Block- Pit 1 Application.

We ask that the Panel requests that TIL provide an assessment of cumulative noise effects which confirms whether noise generated from both the Central and Northern Block (Pit 1) is anticipated to achieve compliance with requirements of the Waitomo District Plan.

Light Emissions

Works at the mine site occur 24 hours a day and at night-time operations generate light emissions. Impacts to the adjoining ridgeline have significantly increased light received by us which previously provided a level of screening. The level of light received is variable depending on the location of works and lighting structures.

It is our expectation that effects resulting from increased light emission will increase as mining of the remainder of the ridgeline progresses due to the loss of screening which mitigates the effects of light emissions from the south.

The application does not include evidence to confirm that proposed works will achieve compliance with relevant rules for the emission of artificial light under the Waitomo District Plan. While mining is an existing activity, the increase in mining footprint has also increased a wide range of effects for neighbouring landowners including receipt of light emission.

We ask that the Panel request confirmation of compliance with rules relevant for the emission of artificial light given TIL is seeking approval to mine up to external boundaries.



Photo 14- 1st June 2024 Light emissions received at Wetini whaanau land from Central Block

Overall, we do not support the Fast Track application in its current form due to the significant effects that we anticipate this will have on our amenity including dust, visual amenity, noise, and potentially light emissions in addition to impacts on the wider environment.

The conditions of the commissioner's decision issued in 2024 (APP142035) would alleviate our most significant concerns particularly the inclusion of a 200m setback from external boundaries. We consider these setbacks are necessary to mitigate the wide range of effects on those adjoining the mine site along with those additional mitigation measures set out on page 23.

Waterbodies and Wetlands

Mining operations have had a significant impact on the ridgeline located directly above the Mitiwai Stream and in close proximity to a tributary and wetlands. The majority of the buffer which previously Mitiwai Stream from the most significant effects of mining has now been removed.



Photo 15- 5th April 2026- Location of erosion/ sand migration in **photo 16**

As a result of mining operations on this ridgeline, sand has migrated down towards the stream and wetlands below.



Photo 16- 5th April 2026- Erosion/ sand migration occurring below mined ridgeline (see location in **photo 15**)

We are concerned at the actual and potential effects of proposed works on this awa. Based on what we have witnessed we do not consider that a 30m setback is sufficient to mitigate effects on waterbodies.

We support a 100m setback from Mitiwai Stream as imposed in General Condition 2(d) conditions of consent App142035 however as significant works have been undertaken by TIL within 100m of the Mitiwai Stream since consent was granted, this condition will no longer achieve the same level of protection as at the time the consent was granted.

We request that the ridgeline be reinstated to the level as at 2017 being the date that TIL became the consent holder. At a meeting held on 6 March 2024 we were advised that it is TIL's intention to reinstate the ridgeline once mined. Based on comments made by TIL at this meeting we understand this is achievable.

We support planting of a native buffer along the Mitiwai Stream to stabilise the land and mitigate effects of the works on this awa and those important ecosystems that this awa supports as addressed within the evidence of Mr King. We support condition 7- General Conditions as imposed under App142035.

We request a 100m setback from all natural inland wetlands within the Consent Area in line with condition (f) of the decision for App142035.

Erosion and sand encroachment impacts on adjoining land

It is our expectation based on effects witnessed and experienced to date that the same level of erosion and movement of sand down the ridgeline will occur behind the Kana dwelling as has occurred to the western part of the ridgeline. We are extremely concerned at the potential effects of mining this ridgeline on adjoining land and dwellings.

Our concerns have been expressed in the numerous letters sent to the Waikato Regional Council (see **Attachment 5**).

Rehabilitation & Stabilisation

We do not support the approach or proposed conditions of consent in the Fast Track application in regard to rehabilitation.

The consent holder's significant underinvestment in rehabilitation and increase in mining footprint has created the environment that exists today and is the reason for the issues adjoining landowners and Tahaaroa village are experiencing.

We request conditions that require 'make-up' rehabilitation to ensure that rehabilitation which should have been undertaken by the consent holder between 2017-2024 as detailed in **Attachment 7** and until 2026 is commenced immediately. We request that these works are focused on areas adjoining external boundaries i.e. within the 200m setback requested to mitigate off-site effects in particular those on air quality and dust effects.

We support the inclusion of rehabilitation conditions included within the decision for App142035 with some amendments. We support a minimum area of annual planting as has been required historically and as

required under Condition 12 of decision App142035 except that we request an increase in the rate to be rehabilitated from 6ha per year to 10 ha per year. This aligns with previous requirements including that rehabilitation was to be undertaken at a rate of 10-15ha per year (as committed to within the Site Rehabilitation Plan in place until 2024).

Bond

A memorandum in regard to the bond condition is included within Appendix BB. In regard to the bond we do not support a transfer in responsibilities from Taharoa Ironsands Limited to Taharoa C for the following reasons:

- Transferring the responsibilities of bond payment from the consent holder to Taharoa C would give TIL no financial incentive to complete rehabilitation works. This is concerning for us particularly given TIL's poor rehabilitation compliance record.
- Given the significant rehabilitation deficit that now exists we would expect that the costs and challenges with rehabilitating the 875ha site would have increased significantly from that bond required as part of the now expired consents which is a cost that the consent holder should bear.
- As Taharoa C shareholders ourselves we consider taking on this responsibility would be a significant and unnecessary financial risk for Taharoa C which we do not support.

We do not support proposed conditions 46-60 including that the estimated costs of rehabilitation and site closure in accordance with the conditions of the consent shall be based on the area disturbed or proposed to be disturbed over the following three years.

Any bond conditions need to take into account the significant rehabilitation deficit that exists and additional challenges present which would not have existed had progressive rehabilitation occurred annually as required under conditions of consent.

Should consent be granted, we consider it is necessary to include bond conditions 40-52 as imposed within the commissioner's decision APP142035.

Cultural Effects

The Roy Wetini Whaanau Trust support the comments submitted by Ngaati Mahuta ki te Hauaauru (NMKTH) being the mandated marae representatives and mana whenua speaking on behalf of the whenua, moana, wai, hau and people of Tahaaroa. We support the Statement of Evidence prepared by Mr King referred to within the comments by NMKTH and attached as Appendix HH to the Fast-Track application.

RWWT supports the request by NMKTH that all conditions imposed by the 2024 RMA Hearing Panel Decision be applied in full with additional suggested conditions outlined in Part D of the position put forward by NMKTH and those additional requests on page 23.

In terms of those cultural effects that specifically impact on our whaanau, we consider that all effects described within comments from the RWWT are cultural effects. They are impacts on the taiao. They are impacts on our ancestral whenua where our tuupuna once walked, our ability to connect to this whenua, the air and water. These works impact sites of significance to us including our whaanau urupaa. Mining works have the potential to impact adversely on our health and that of our tamariki and mokopuna. Works to date

have impacted our role as kaitiaki as concerns voiced have not been listened to by TIL or the Waikato Regional Council.

Stock Exclusion

We support conditions of consent imposed by the Commissioners Decision for App142035 that require stock exclusion from the Consent Area at all times as this is necessary to aid the successful rehabilitation and planting.

Removal of Pine Trees

The RWWT does not support the activity of pine clearance at the mine site due to the significant adverse effects we already have witnessed as a result of removing pine trees to the north and east of the Central Block. We request that they be retained as a buffer for adjoining land and wai and to provide habitat for pekapeka.

Monitoring and Enforcement

We have expressed concerns to the Waikato Regional Council about impacts on the adjoining ridgeline and a lack of rehabilitation works on multiple occasions (**Attachment 5**). In August 2024 we presented evidence to the hearings panel highlighting these concerns (**Attachment 2**).

When consent (APP142035) was granted in November 2024 we were satisfied that conditions imposed would mitigate effects on ourselves and the wider taiao to a level that was acceptable to us. Of particular relevance for us is the setback imposed from external boundaries which would result in the retention of the ridgeline to the south of us and the 100m setback from Mitiwai Stream.

This decision was appealed by TIL and mining works have, at the discretion of WRC, been allowed to continue operating under S124 (2) RMA. Works continue to occur within these setbacks in close proximity to external boundaries and the Mitiwai Stream. We have continued to express concerns at these ongoing works throughout the appeals process (RWWT are a party to TIL's appeal) in particular about delays to the appeal sought by TIL.

Since reviewing the 2013 dry mining application and consent in December 2025 (**Attachment 4**) we have a clearer understanding of the nature and location of consented dry-mining works and we have expressed concerns to the Waikato Regional Council about these ongoing works (**Attachment 5**). The response received on 26th February did not alleviate our concerns. We remain unclear on WRC's current position in regard to the area they consider to be within the consented mining footprint.

Given the urgency of the matter with mining works now progressing on that part of the ridgeline immediately behind the Kana dwelling (south of Wetini dwelling), and as no action had been undertaken by WRC to prevent the works from progressing, on 15th May 2026 we sent a request to the EPA (Monitoring and Enforcement Department) to take enforcement action under Section 343F (a) of the RMA 1991.

At this stage we do not know whether either the Waikato Regional Council or the EPA intend to take any enforcement action in regard to these ongoing works being undertaken in close proximity to external boundaries.

We are unhappy with the lack of transparency and accountability surrounding the current consents and the level of effects that have been allowed to date and are continuing at the mine site. While rehabilitation works (or lack thereof) have been monitored and a lack of compliance recorded (see **Attachment 7**), no enforcement action has been taken by the Waikato Regional Council. This has been to the detriment of the taiao, those adjoining the mine site and the village of Tahaaroa particularly as a result of impacts on air quality.

Should consent be granted by the panel we request greater transparency and accountability to ensure compliance with conditions of consent. We support measures in place that provide accessible monitoring data on a single platform and in particular condition 35 as per the decision granted (AUTH142035.01.01) which requires the consent holder to establish a public website and that information required to be provided under this condition. Of particular importance to us is transparency around rehabilitation including future staged planning of rehabilitation and reporting of rehabilitation undertaken annually as well as easy access to annual monitoring reports.

In addition to the conditions imposed under APP142035 we support an increased role of mana whenua in environmental management and the position of Ngaati Mahuta ki te Hauaauru in regard to the establishment of a Marae Led Committee to manage adverse cultural effects. Should mining activities be allowed to continue we consider this is crucial for the successful management of effects going forward.

Consultation and Communications

From our perspective, TIL's 'consultation' with the Roy Wetini Whaanau Trust on the Fast Track application was a tick-box exercise designed to demonstrate to the panel that consultation was undertaken with affected parties.

We were invited by TIL to provide written feedback on the Fast-track application which we spent time preparing a written response detailing our concerns and requesting further information sent to TIL on 12th June (see **Attachment 6**). On 16th July 2025 we drove from New Plymouth to Waitomo to attend what we had understood would be a consultation hui with TIL.

The hui was attended by Mr Coffey and Ms De Groot. While Mr Eccles joined the latter part of the hui online Mr Coffey would not permit him to respond to any of our questions. TIL would not confirm specific details about the proposal including whether any setback was proposed from external boundaries (despite no setback being shown on the map included within the project summary) nor would they confirm if/ how TIL had addressed concerns raised by the RWWT within the Fast-track application.

The few basic details provided to us could have been sent to us in an email. We sent a letter to TIL following the meeting expressing a number of concerns (**Attachment 6**). While we remained open to future engagement at this time following this experience, trustees unanimously agreed that it would be in the best interests of the RWWT that any future engagement would only proceed under certain conditions. We set these conditions out in our letter to TIL which we did not receive a response to.

Based on our experiences with TIL to date it is our view that there is a need to formalise consultation and communications through consent conditions. We support formalising of communication conditions 32-35 under AUTH142035.01.01. We want to ensure that any formal meetings are run in a respectful manner where parties have an opportunity to speak, are listened to, provided with an opportunity to ask questions, raise any issues or concerns they may have.

We would like to be invited to provide feedback on future proposals and to ensure information presented is accurate, that minutes are taken and easily accessible. Questions should be responded to with the level of detail we are seeking and in a timely manner.

Consent Term

Over a period of 13 years (2016-2026) we have seen a significant transformation of the landscape including a removal of a pine tree buffer which previously protected adjoining landowners to the north and the village of Tahaaroa to the east, mining beneath the buffer, mining of the ridgeline to the south of us and works in close proximity to external boundaries and waterbodies. TIL have failed to undertake progressive rehabilitation as has been the practice historically and as is required by conditions of consent. The degraded landscape that exists has been created through breaches of conditions of consent. The works have had a visible significant detrimental impact on the whenua, has impacted adversely on air quality and as a result of clay dust received on and in our dwelling means we no longer have a potable water supply.

Given the significant issues that we and continue to experience, should consent be granted we ask that the consent term should be no more than 14 years- consistent with the consent term for the existing (expired) consents.

Request to Panel

We appreciate the social and economic benefits that mining can contribute to the community within which it is located and the wider region. When the mine site was first established and up until around 2017, we understand there were significant social and economic benefits for Tahaaroa including the introduction of infrastructure such as roading, power, opportunities for employment, education, upgrades to marae. Effects of the mining were managed through implemented mitigation measures including progressive rehabilitation, annual planting, retention of natural buffers (including vegetation and ridgeline). Mining activities were isolated from sensitive activities including residential dwellings.

As a whaaanau we are not opposed to the activity of mining itself providing operations are managed in a way that they do not impact adversely on our ability to connect to our ancestral lands and that they ensure the health of te taiao for current and future generations.

Unfortunately, it is evident to us when viewing the mine site and through the adverse effects we have and continue to experience, that operations have not been managed in this way. The mining footprint has continued to expand, moving closer to sensitive activities. Mitigation measures which previously protected adjoining landowners have been removed. Progressive rehabilitation has not been undertaken in line with conditions of consent leading to significant adverse effects on air quality and dust effects which are experienced well beyond the TIL mine site.

While we provided feedback to the high level information provided to us by TIL on the application, TIL has not sufficiently addressed our concerns in regard to a number of key issues including rehabilitation, mitigation of off-site effects (air quality, visual amenity, noise (including cumulative effects), erosion and sand migration), impacts on waterbodies and wetlands and the consent term.

On the basis of the application and evidence that has been submitted by TIL we request that the application as it stands be declined.

Conditions of Consent

Should the Panel be of a mind to approve this consent we request that conditions imposed under Decision of the Hearing Commissioners (AUTH142035.01.01) be imposed in full with the following amendments:

- A reduction in the consent term from 20 to 14 years in line with the existing (expired) consents;
- Increase the minimum area of annual planting as per Condition 12 of decision App142035 from 6ha per year to 10 ha per year.
- The addition of conditions set out by NMKTH including a requirement to establish a Marae Led Committee (or equivalent) as per NMKTH comments.

We request additional conditions of consent to the following effect and any subsequent amendments required as a result of these additional conditions:

- A condition requiring the ridgeline adjoining the northern boundary of the Central Block to be reinstated, stabilised and planted to protect adjoining landowners, the Mitiwai Stream and adjoining wetlands from adverse effects of mining operations including that part within:
 - *100m of the Mitiwai Stream;*
 - *200m of external boundaries from any third party properties adjoining the Consent Area*
- Inclusion of conditions requiring 'make-up' rehabilitation to ensure that rehabilitation which should have been undertaken by the consent holder between 2017-2026 is implemented immediately. We request that these works are focused on areas adjoining external boundaries within the 200m setback requested to mitigate off-site effects in particular those on air quality and dust effects.

Attachment 1: Map of Wetini whaanau land adjoining the Central Block

Attachment 2: Statements of Evidence presented on behalf of RWWT at Resource Consent Hearing for Central and Southern Block 2024

Attachment 3: Aerials

Attachment 4: Central and Southern Block- Updated Conditions of Consent and 2013 AEE

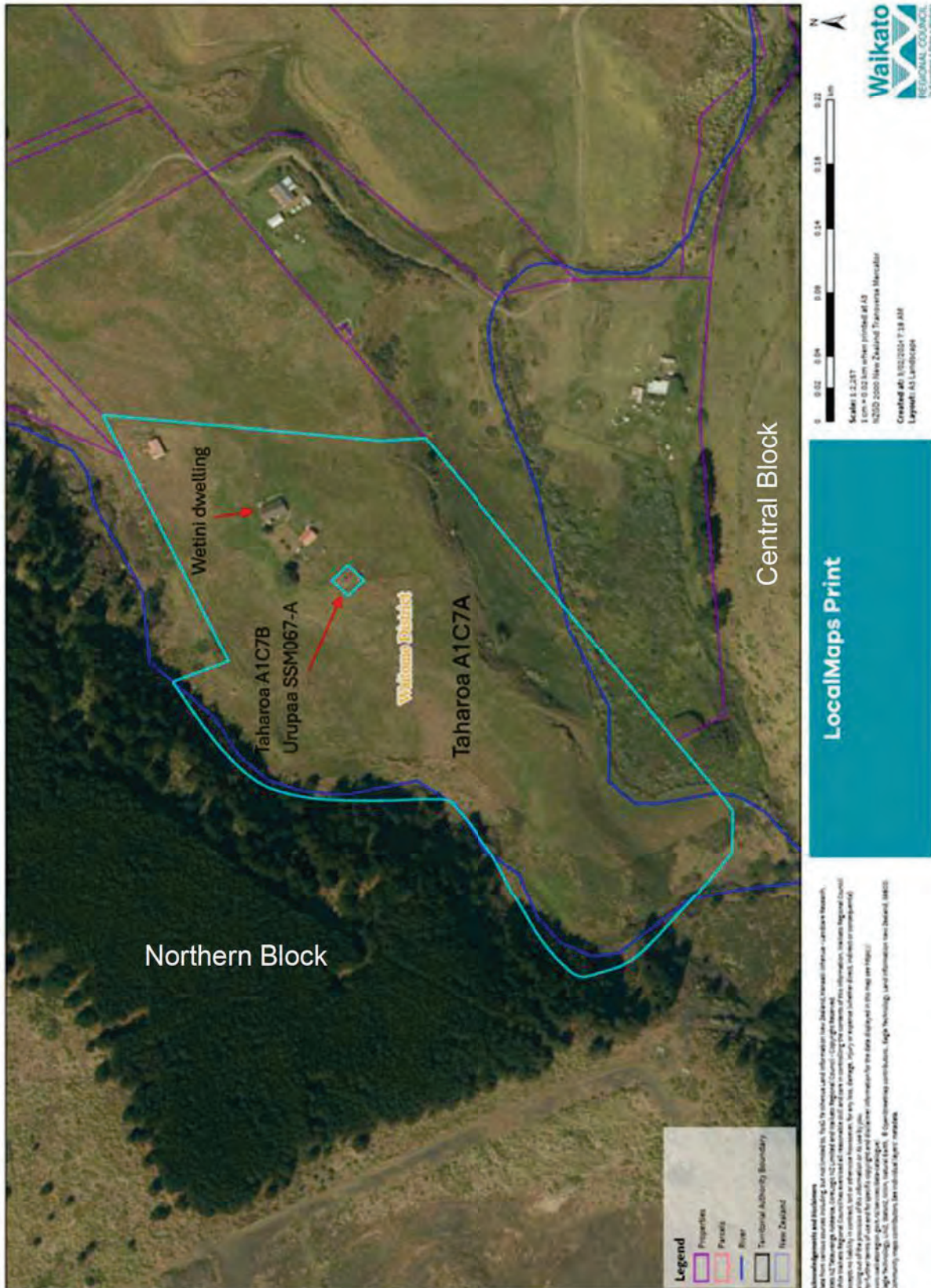
Attachment 5: Correspondence with Waikato Regional Council

Attachment 6: Correspondence with Taharoa Ironsands Limited

Attachment 7: Addendum AB 42A Report for Central and Southern Resource Consent Application

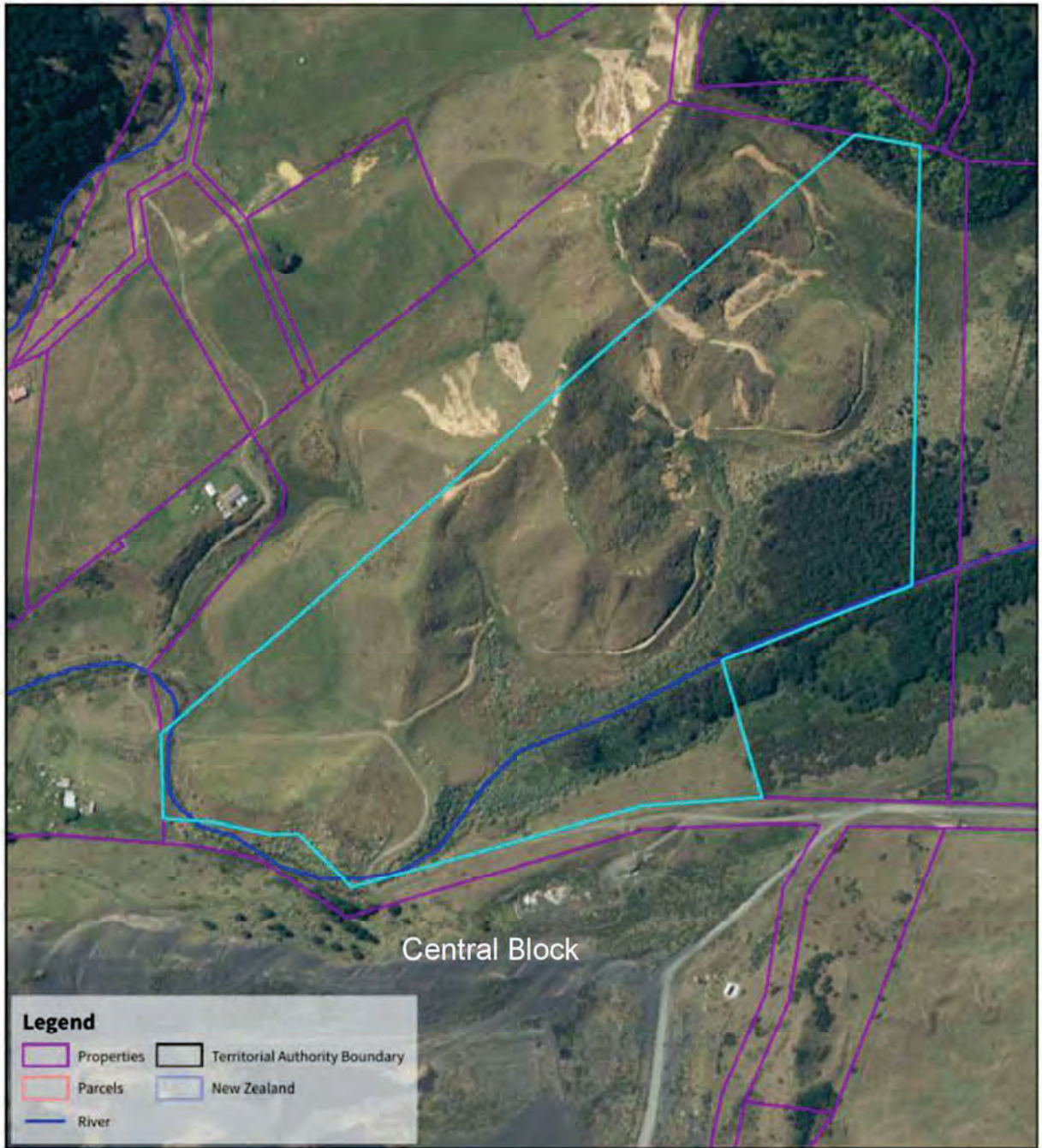
Attachment 1:

Taharoa A1C7A in relation to Central and Northern Blocks, location of dwelling and urupaa



Attachment 1:

A7J11B2B Blk XVI Albatross SD in relation to Central Mine Site



LocalMaps Print

Attachment 2: Statements of Evidence presented at Resource Consent Hearing for Central and Southern Block

- Statement of Evidence- Roy Wetini
- Statement of Evidence- Teina Malone

statement to TIL RC application hearing

Background to our Taharoa connection

Kia Ora, my name is [REDACTED] & I'm one of the Trustees of the Roy Wetini Whanau Trust. We are the landowners of a dry stock farm property neighbouring Taharoa C Block land which is either currently being mined (Central Block) or proposed to be mined (Northern Block) by TIL (see **attachment 1**).

I am also a shareholder in Taharoa C Block Inc.

Although I've never lived in Taharoa I have had an association with it since I was a young child. Our family connection with Taharoa goes back many, many years and our whanau were certainly living on & farming our land well before any mining commenced, and certainly before Taharoa C Block Inc was registered as an entity.

My father [REDACTED] & his brother [REDACTED] (the sons of [REDACTED]) were born, grew up & went to school in Taharoa and lived on the farm that is now in our Whanau Trust's name.

However, because it wasn't big enough to support 2 families, my dad left in search of work elsewhere in the King Country whilst my Uncle [REDACTED] remained farming the whenua. Over the following years he added to the original family block by purchasing adjoining neighbouring blocks of land.

I clearly recall that as a child I spent a lot of my school holidays at the farm with my Uncle [REDACTED] & Aunty [REDACTED]

Prior to road access into Taharoa I recall catching the boat across the lake & then continuing my journey on horseback to the farm. I remember the lack of electricity, the tilley lanterns, the kerosene fridges, the coal range fireplace being used for both cooking & heating and recall occasionally having to wash down in the Mitiwai stream because of the lack of water in the water tanks.

I also remember the occasional trek by horse to Te Maika & back to collect our groceries & supplies which Uncle [REDACTED] would bring across on his launch from Kawhia. I recall riding my pony amongst the lupins, which covered a lot of the sandhills back in those days and playing & swimming in the Mitiwai stream beneath the farmhouse, & occasionally following it down to the beach & returning home with a container full of pipi's.

So, I came to the farm in Taharoa on a regular basis - particularly as a child during the school holidays, & have had, & continue to have, a strong affiliation and connection with Taharoa.

After my Uncle [REDACTED] passed, I took over the farm in 2012, and in doing so set a goal of leaving the whenua to the next generation in a condition that was as good, or hopefully better

than it was when I took it over & believe the next generation of our whanau will continue with this approach.

Whilst the majority (excluding the homestead block) of the farm is currently leased to a local farmer, we usually come & stay at the farm for a couple of nights each month on average. However, it's usually longer during some school holidays when our 3 daughters & their whanau also come. They have also formed a strong connection to Taharoa over the years.

So, whilst we don't currently permanently reside on the farm in Taharoa, we all have a very strong attachment & connection with it, and it's possible that some of the whanau may permanently reside at the farm in the future.

Main purpose of our submission

Our Whanau Trusts main purpose for lodging a submission in regard to TIL's application is mainly two-fold.

- firstly, our concern for the health of our whanau
- secondly, our concern for the health of our whenua.

Possible future use of whenua

We don't know for sure that dry stock farming on our whenua is 'best use practice' but it's all that it's ever been used for to date.

There may be other & more sustainable ways to make use of our land, so we are about to undertake a feasibility study to get expert opinions on such matters as water availability & supply, soil analysis, existing & future infrastructure requirements, suggested vegetation/ grass/ tree types for planting etc. These are amongst several areas we intend to explore. Of course, any such undertaking, assessment and information gathering exercise would be on an assumption that the land is in reasonable health to begin with.

Our proximity to current & future mining operations

I believe it's helpful if you fully appreciate our property's location & proximity to TIL's current mining operations, and we know where in relation to our property they intend to mine in the future (please see **attachment 2 - photos 1 and 2**)

When you consider how close our land is to their mining operations, I'm sure you will appreciate the reasons for our concerns, particularly to any dust and noise issues, and why we have been disappointed at TIL's lack of engagement & consultation with us.

During 2023 it became apparent to us that TIL had begun mining the top of a hill within the Central Block located to the south-west of us. This hill has previously acted as a natural buffer between us and the mining works, protecting us from the prevailing south westerly wind.

Since lodging our submission in 2023 it has become apparent to us is that the mining of this hill has increased the level of effects on us.

For example, during two stays at the farm in January & February 2024 (total 8 nights) it was noticeable when we arrived that there was a brown/ reddish dust on the benches & tables in the kitchen/ dining room area, & on the roof, of the house. We also noticed it on the roof & bonnet of our car when we left to return home.

We believe this is largely caused by TIL's mining operations being carried out on the Central Block to the southwest of our property.

As the level of this hillside being mined has been lowered, this dust problem has increased - especially when winds are coming from the south westerly direction.

We had initially assumed that these concerns (dust/noise) would be addressed at the Resource Consent Hearing originally set down for February 2024. However, the hearing was delayed until August 2024 - some 6 months later.

Because of this delay with the hearing, we felt we were left with little option but to begin lodging complaints when we became aware of any dust & noise issues. We did this reluctantly, and because we felt that TIL wasn't showing any real concern for the consequences on neighbouring landowners like us.

Again, there was no discussion nor engagement on the matter.

Consultation/engagement

We believe good communication is so important, and that in a lot of instances where dissatisfaction and/ or conflict occurs between parties it's often because of the lack of good, honest, clear, and regular communication.

So, it's disappointing that despite the claims of some of the applicant's expert witness statements, (that all neighbouring landowners have been consulted with), this is quite untrue in regard to us.

I succeeded to this farm property in 2012, and in the 12 years since I haven't received any invitation from TIL, or their predecessors, to either engage with or consult with over the areas concerned with this hearing, (other than sorting out boundary fencing matters).

This approach & attitude we assume is deliberate and suggests they don't value nor care about any concerns we may have, and that any meaningful consultation or engagement with us is not at all high on their list of priorities.

An example of their lack of desire to consult or engage with us was demonstrated when we didn't receive an invitation from TIL to the hui held in the Taharoa Community Hall in April 2023. This hui we understand was to include all affected parties of the mining operations, including neighbouring landowners.

Complaints process/ Monitoring/ Remediation, rehabilitation & replanting/ Length of Resource Consent Period

These are all areas where we have comment & will be covered off by my daughter Teina in her statement.

Positive contribution of the mining

We fully understand & appreciate the financial importance of this mining operation to most local people & businesses, along with the overall economic benefit to the local and wider economy (including the Regional & District Councils & Taharoa C Block Inc).

It is not our intention to inhibit or prevent this from continuing, providing any conditions that are applied to this Resource Consent application are acceptable to us & are fully complied with by TIL.

Concluding points

When I have referred to 'TIL' in this statement it is in the knowledge that TIL or Taharoa Ironsands Ltd is a company in which Taharoa C Block Inc is a major shareholder.

As a shareholder in Taharoa C Block Inc I have always assumed that they, (being the landowner & significant shareholder in the mining company), would have been keeping an eye on the effects of the mining operation on their whenua. Especially regarding important areas such as remediation, rehabilitation & replanting. I also made the same assumption regarding any dust or air quality issues affecting both residents & whenua.

If they haven't been, then I suggest that perhaps they should have been.

Please understand that our whanau are not anti-mining, nor anti TIL.

We are reasonable people with reasonable expectations regarding our health & that of our whenua. And we don't believe we are asking nor expecting anything unreasonable in our submission regarding this Resource Consent application.

Whilst our Whanau Trust have made a submission to this hearing, opposing TIL's application in its present form, we believe there are probable solutions to most of our concerns & accept the probable need for some compromise.

And whilst there may be room for compromise on our part, it should not be at the expense of all other considerations, especially people's health, and the health of the whenua, air & water.

I've hopefully explained how important our health & that of our whenua is to our whanau and know that we get few opportunities to have any input or influence into important matters such as this hearing. The outcome here will likely have long term repercussions & consequences, & impact on us & our whenua, so it's extremely important that we do our best to get it right.

The mining operations will undoubtedly cease at some time in the future, but our whenua, our waterways & our air will still be here, & we want it to be in the best possible condition as it can be, and for it to be able to continue to provide a source of sustenance to our future generations.

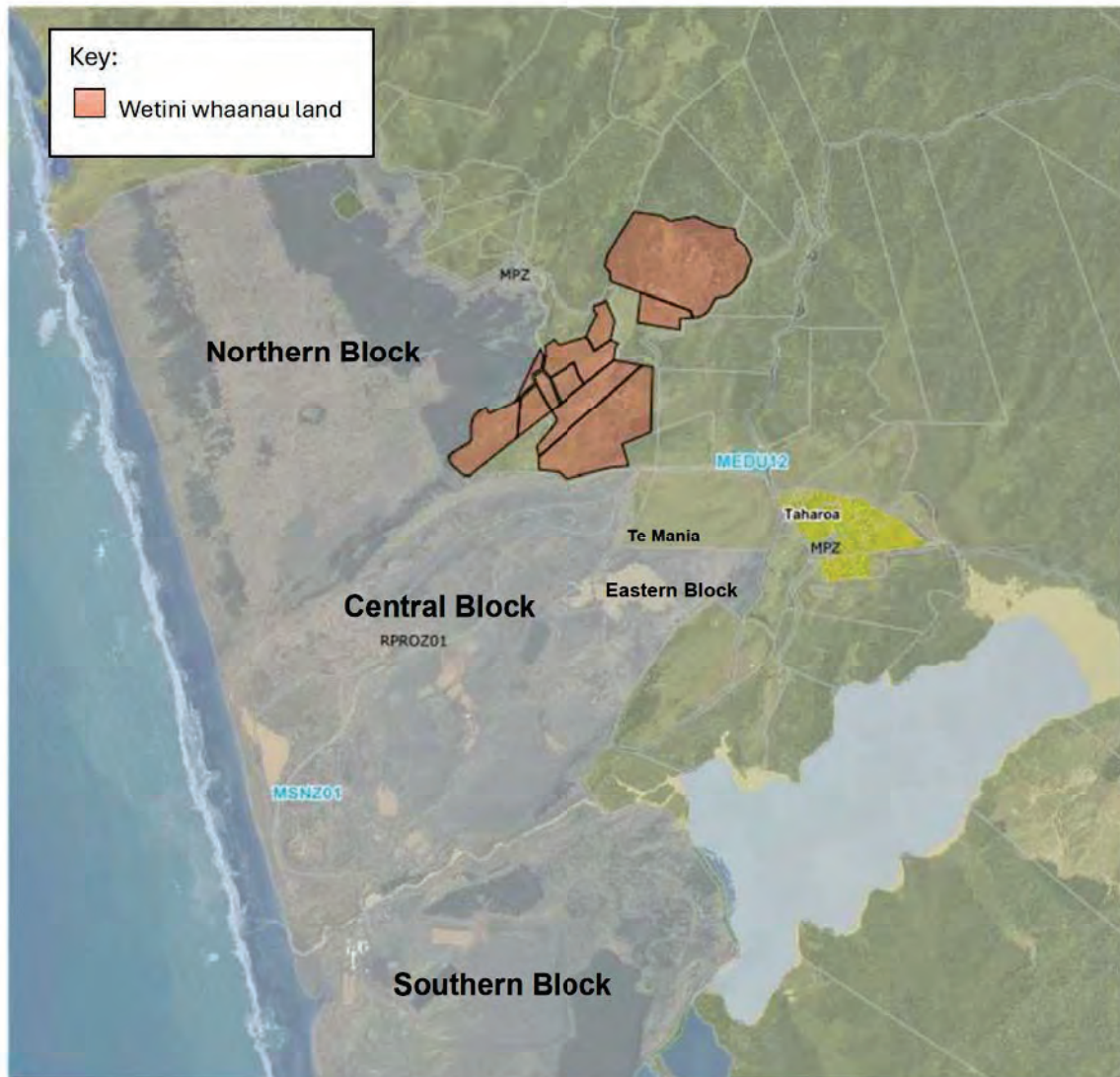
So, whilst we understand the importance of this mining operation to Taharoa and surrounding district, for us to support any resource consent application we would have to be satisfied that our concerns have been heard & addressed to our satisfaction.

Nga Mihi,

 (Trustee)

Roy Wetini Whanau Trust

Attachment 1: Wetini whaanau land in relation to TIL mine site



Attachment 2: Photos of Wetini dwelling in relation to mine site

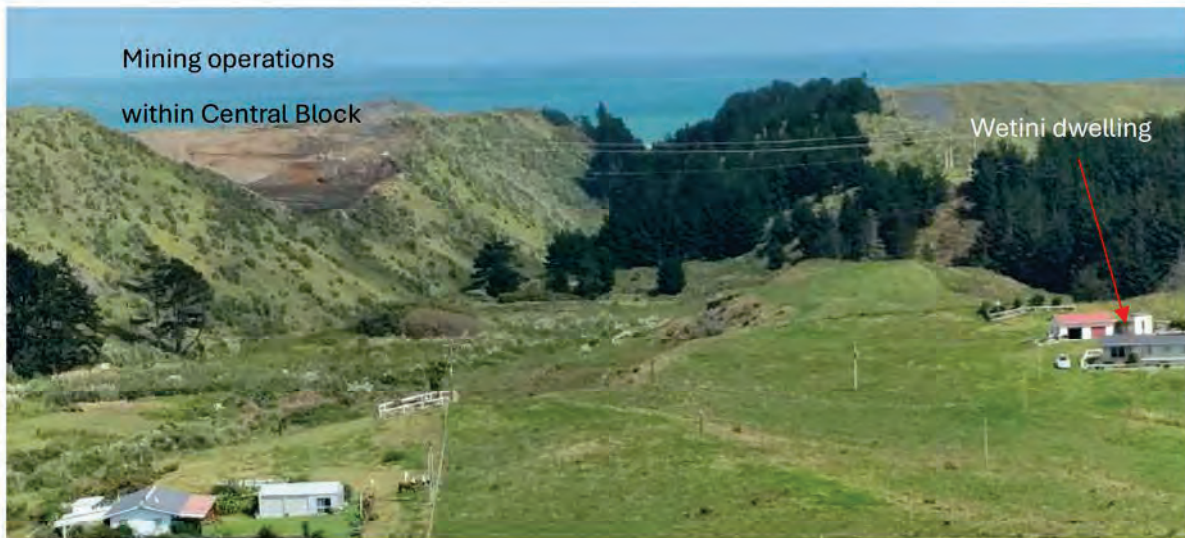


Photo 1: 13 March 2024



Photo 2: 2nd March 2024

Before an Independent Hearings Panel Appointed by the Waikato Regional Council

IN THE MATTER: of the Resource Management Act 1991 ("RMA")

AND

IN THE MATTER: of Resource Consent Application APP142035 lodged by

Taharoa Ironsands Limited

**STATEMENT OF TEINA MELISSA MALONE FOR
THE ROY WETINI WHAANAU TRUST**

30th July 2024

Introduction

1. My full name is [REDACTED]. My maiden name is [REDACTED] and I am the daughter of [REDACTED] and one of the trustees for the Roy Wetini Whaanau Trust which was established in August 2023. I prepared the submission lodged on behalf of the Wetini whaanau.
2. I am an Environmental Planner with approximately 17 years postgraduate experience. My qualifications include a Bachelor of Social Sciences with Honours in Resources and Environmental Planning and Postgraduate Diploma in Resources and Environmental Planning. My experience includes working at local authorities as both a contractor and employee in New Zealand, Borough Councils in the United Kingdom and as a planning consultant within the private sector in New Zealand.
3. My experience includes preparing a wide range of resource consent applications on behalf of clients including the New Plymouth District Council, Taranaki District Health Board and Waka Kotahi and processing resource consent applications on behalf of local authorities both as an employee and a contractor. My most recent employer was Beca- New Plymouth office where I worked as a Senior Planner until 2020. I have recently commenced work as a contractor for Koru Asset Development Group.
4. While I am a qualified Environmental Planner and have the qualifications and experience to present expert planning evidence, I am not appearing in the capacity of an expert witness at this hearing panel due to my personal connection as a trustee of the Roy Wetini Whaanau Trust and the real or perceived conflict of interest that I understand this would create. Nevertheless, my expertise and professional training has informed my evidence, along with my direct and personal experience of the mine site and surrounding environment.
5. My role at this hearing today is to provide a statement on behalf of the Roy Wetini Whaanau Trust.

Scope of Statement

6. This statement does not intend to repeat the submission lodged by the Roy Wetini Whaanau Trust. In our submission we had expressed concerns in regard to deficiencies in the application, a failure to identify, consider or address numerous effects including those on mana whenua adjoining the mine site, air quality, flood risk, erosion, impacts on significant natural features including water bodies, sites of significance to mana whenua, soil, visual effects and that the application did not contain sufficient information to demonstrate compliance with the Waitomo District Plan in particular noise standards. We requested further information to address our concerns.
7. This statement will include:
 - A description of the Wetini whaanau whenua and the changes we have experienced.
 - An outline of effects witnessed and experienced by us as a result of existing operations at the mine site.

- Our response to those matters addressed within the Section 42A report and addendum relevant to our submission.
- Our response to the evidence and further evidence submitted by Taharoa Ironsands Limited where this is relevant to our submission.
- Our comments in regard to evidence and further evidence lodged by submitters where this is relevant to our submission.
- Our comments on Joint Witness Statements as they are relevant to this submission.
- Our overall request to the Commissioner's.

Roy Wetini Whaanau Trust and Whenua

8. As has been described within my father Mr Wetini's statement, the Roy Wetini Whaanau Trust is the administering body for approximately 90 ha of land made up of 9 separate parcels all of which are classified as Maaori Land which has been passed down through our bloodline (see **attachment 1**).
9. The whaanau trust was established recently, in August 2023 and has resulted in us coming together as a whaanau to consider the future of this whenua including potential opportunities and improvements that can be made. As my father has mentioned, we want to ensure that any changes we make will benefit future generations as well as te taiao.
10. A house is located within Taharoa A1C7A Block, which is sited approximately 50m from the urupaa that is located within a separate legal parcel (see **attachment 2**).
11. To the north and west we adjoin the Northern Block. Land to the north is relatively steep and currently planted in pines (see **attachments 1 and 4**).
12. The Mitiwai Stream flows alongside the northernmost boundary traversing Tahaaroa C Block and two parcels of Wetini whaanau land before flowing to the south, along our westernmost boundary, and west out to the coast (see **attachment 2 and 5 (photos 18 and 19)**).
13. Two parcels of Wetini whaanau land adjoin the Central Block to the south and south-west. These include Taharoa A1C7A Block (**attachment 2**) within which our dwelling is located and Taharoa A7J11B2B (**attachment 3**). Kana whaanau land is located in between these two land parcels.
14. As described by my father, Mr [REDACTED] a ridgeline to the south has up until recently physically separated us from mining operations located within the Central Block (see **attachment 5, photos 1-4**).
15. My father [REDACTED] has explained in his statement our whaanau connection to Tahaaroa and I do not intend to repeat this.

Impacts from mining operations

16. Since this land was passed to my father in 2012, we have witnessed significant changes to the surrounding landscape. Prior to the mining being established and up

until 2023 we have remained largely protected from the direct effects of mining operations within the Central Block due to the ridgeline which extends south-east of our dwelling, behind the Kana whare to the west towards the coast (see **attachment 5- photos 1-4**)

17. Due to the screening provided by this natural buffer, up until 2023 the direct effects from the mine site were significantly less than what we are now experiencing. Based on our photos in **attachment 5- photo 4** it appears that Taharoa Ironsands Limited commenced mining of this ridgeline in approximately 2020. Since lodging our submission in August 2023, mining of this hill has progressed at an alarming rate.
18. As you can see from the photos included in **attachment 5- photos 5-9**, the impact that the mining operations have had on this ridgeline have been significant. Effects on ourselves and others adjoining the mine site have increased particularly in regard to dust/ air quality effects, visual and noise effects.
19. As can be seen in **attachment 5- photo 11**, we now have a direct view into the inner workings of the mine site. My father has described the clay dust that is now regularly present on and within our house. We have also experienced a significant increase in noise.
20. For as long as I can remember and prior to this land being passed from Uncle [REDACTED] to my father in 2012, when we have visited Tahaaroa whaanau members would go on a hikoi to the top of the highest hill and look out over the whenua including the mine site. Since 2012 this has become a regular whaanau ritual. This ritual has meant that we have witnessed, and in some instances recorded the changes to the wider landscape over time. **Attachment 8 and attachment 5 (photos 1-10)** show the significant changes that have occurred to the landscape and land contours over time.
21. I will discuss in further detail the impacts that the changes to the landscape have had on ourselves and the wider environment in this statement including those on dust/ air quality, visual amenity and noise.

Rehabilitation

Mining operations under existing (expired) consents

22. During the life of the current (now expired) consents which were granted in 2007, we have become increasingly concerned at the visible changes that have taken place to the wider mine site. When we look over the site today, we see a vast barren environment devoid of visible rehabilitation works. In addition to effects on visual amenity it has become evident that these large, exposed areas have exacerbated other effects including, and of particular relevance to us, those in regard to air quality.
23. We have been concerned at the absence of visible rehabilitation. However, due to a lack of transparency with the current consent (100909) and absence of any communication from TIL, we have had to trust that activities were being undertaken in accordance with conditions of consent and that the Waikato Regional Council

would fulfil their responsibilities and effectively monitor activities and undertake enforcement action if needed.

24. Attachment AB of the 42A Report Addendum summarises findings of a review undertaken by WRC which compares the required rehabilitation with that undertaken by TIL during the period 2017-2024. This summary confirms the total minimum area of rehabilitation required to be undertaken during this period to achieve compliance with conditions of the existing (now expired) consents.
25. In total, the summary confirms that only 7.06 ha of rehabilitation was undertaken out of a minimum of 70 ha rehabilitation required between 2017 and 2024.
26. In regard to the Site Rehabilitation Plan Ms Ivory's evidence¹ claims "*TIL undertakes rehabilitation on an on-going basis across the mine wherever possible and in accordance with this Plan.*" It is clear from viewing the site and from reading Attachment AB² that in fact little rehabilitation has been undertaken during the period within which TIL was the consent holder.
27. While the current consents require that exposed areas are kept to a minimum, the photos taken from Wetini whaanau land, drone images taken in March 2024 contained within **attachment 5 (photos 6-10)** of this statement and aerial imagery contained within **attachment 7** show extensive areas of exposed land and no visible re-vegetated areas.
28. The 42A report and Mr Eccle's Planning evidence provide comment on the 'existing environment.' When describing the existing environment Mr Chrisp states: "*It is acknowledged that the current 'lunar' landscape is part of the existing environment.*"³
29. It is evident from reading Attachment AB of the 42A Report Addendum that this 'lunar' landscape is in fact the direct result of years of mining which has taken place without the consent holder meeting their obligations to rehabilitate the land in accordance with their conditions of consent.
30. The consent holder was not authorised to undertake mining activities in the manner that has occurred. In doing so, TIL has failed to meet their obligations as the consent holder and the Waikato Regional Council has failed to effectively monitor and enforce those conditions of consent requiring rehabilitation. Given the significant effect that these consent breaches have had on the surrounding environment we feel that both parties have failed the people of Tahaaroa in this way.
31. In our view TIL should be accepting responsibility for these consent breaches and planning and implementing rehabilitation works that would heal the 'lunar landscape' that has been created. This is in addition to planning and implementation of rehabilitation that would be required to address the effects of current and future works should consent be granted.

¹ Evidence of Ms Joss Ivory- Appendix E- page 7

² Section 42A Report Addendum- Attachment AB

³ 42A Report- Page 73

32. Should consent be granted, we support the recommendations within the 42A Report Addendum in regard to rehabilitation and in particular the inclusion of condition 14(f)(i) which would require 63ha of rehabilitation to be undertaken by the end of 2026 to make up for the rehabilitation that TIL have failed to implement during the period within which they have been the consent holder. These works would be required in addition to 10-15ha required annually to mitigate effects of current and future mining works.
33. We support a focus on rehabilitation in areas closest to adjoining neighbours. Given the recommendations within the evidence of Mr Curtis⁴ (discussed further under air quality) we consider it would be appropriate focus on those areas of land within 200m of external boundaries to address air quality issues.
34. Should consent be granted, we request that in addition to focusing on the eastern edge of the Central Block 'catch up' rehabilitation extends to include the northern part of the Central Block to address our concerns particularly in regard to clay dust/ air quality effects.

Proposed mining operations

35. Rehabilitation of land both in the short and long term is a critical measure to mitigate the effects of mining. The role of rehabilitation in addressing air quality effects is highlighted in the evidence of Mr [REDACTED]⁵.
36. In regard to the current application, we requested in our submission, further information around rehabilitation including copies of the Site Rehabilitation Plan, Conceptual Site Closure Plan, details of rehabilitation, anticipated ground level and landform following works, staging, anticipated timeframes and measures proposed to mitigate effects on adjoining/ adjacent properties. This information was sought to enable us to have a clearer understanding of the effects of the works on ourselves and the wider environment.
37. We have reviewed the evidence supplied by TIL including that of Mr Eccles, Mr Petterson and Ms Ivory in regard to rehabilitation and the Landscape and Rehabilitation Plan⁶ and Conceptual Site Closure Plan⁷.
38. While the SRP and Draft CSCP have been provided, they do not address the concerns raised in our submission as they lack the level of detail required to provide us with any insight into the short or long-term plan for the Central and Southern Blocks. We cannot support a proposal which, as has been the case to date, leaves us in the dark on TIL's plans for mining and rehabilitation of the site. This is deeply unsettling for us particularly given historic non-compliances. Where we do not have this level of information we cannot know what the effects on ourselves or the wider environment will be.

⁴ Evidence of Mr [REDACTED] paragraph 142

⁵ Evidence of Mr [REDACTED] paragraph 103

⁶ Evidence of Ms [REDACTED] - Appendix F- Landscape and Rehabilitation Plan

⁷ Evidence of Ms [REDACTED] - Appendix E- Draft Conceptual Site Closure Plan

39. Should consent be granted, we support a number of recommendations within the Section 42A Report Addendum. We have included within **attachment 9** some additional conditions/ changes to recommended conditions of consent which would to some extent address our concerns in regard to rehabilitation.
40. It is important to us that rehabilitation is staged and time frames are placed on exposed bare surfaces to mitigate effects of mining operations.
41. We support a maximum timeframe for exposed bare surfaces to address a wide range of effects that these exposed surfaces have on the surrounding environment. We support the inclusion of recommended condition 10 which imposes a minimum timeframe for exposed bare surfaces contained within the 42A report Addendum prepared by Mr ██████⁸.
42. We agree on the importance of evaluating progress and ensuring that the rehabilitation provided for in consent conditions is being completed within the scheduled time as highlighted within the further evidence of Mr ██████⁹. We are supportive of measures being implemented that would ensure this occurs.
43. We want to ensure sufficient information is contained within the Site Rehabilitation Plan and Conceptual Site Closure Plan to provide a greater level of transparency and certainty for affected parties going forward.
44. We request measures that would ensure TIL are required to forward plan and report on those rehabilitation works planned for the following year as well as reporting on those rehabilitation works undertaken in the previous year.
45. Should consent be granted, we support the inclusion of recommended conditions 22 and 23 within the S42A Report Addendum requiring the establishment of a website and the information to be included within the website. We support the level of information required to be included within the Annual Works Plan under recommended condition 23. In particular we support a requirement to map the areas to be mined, rehabilitated/ stabilised and to specify the nature of proposed rehabilitation within the next 12 months including the contour, vegetation cover and maintenance of planting.
46. To mitigate the effects of the mining operations on the surrounding environment and native habitats we request that TIL prioritise native species for any long-term rehabilitation works.
47. We support the request within Mr ██████'s cultural evidence¹⁰ which seeks the creation and retention of native green corridors. We request that this is identified within the SRP and CSCP.

⁸ 42A report Addendum- Condition 22- General Conditions

⁹ Further Evidence of Mr ██████ paragraph 6.11

¹⁰ Evidence of Mr ██████ paragraph 20.29

Visual Amenity

48. In terms of direct visual effects of mining operations on us, we only began to experience significant effects in 2023. As explained, this is due to the presence before then of a ridgeline located between ourselves and the Central Mine site which acted as a screen separating us from the adjoining mining operations. Initially, visual impacts on us included the presence of heavy machinery operating at an elevated level on top of the ridge line to the south-west of us.
49. Impacts on this ridgeline have now removed the visual screen that this buffer previously provided to the south-west of our dwelling, and we now have a direct view into the inner workings of the mine site. This has changed the character of our rural land as we experience it as there is no longer a screen between ourselves and the adjoining industrial activity. This has also resulted in other effects on us including an increase in noise and dust.
50. The resource consent application¹¹ states that the highest ridges will be maintained which will assist with maintaining the existing landscape features. Despite this statement current works at the mine site are day-by-day reducing the height of the most significant and what appears to be the only remaining natural ridgeline within the Central Block. TIL has not proposed any measures that would require its retention.
51. TIL does not propose a setback from external boundaries. The potential visual effects of mining up to external boundaries would be significant for those adjoining the mine site. Drone footage shows what is on the other side of this ridge (**attachment 5-photo 8**). The removal of this dune would expose ourselves and others to the north of the Central Block to the full impacts of the mining operations.
52. Mr [REDACTED] has stated in his further evidence that no landscape or visual effects have been identified to date that would suggest input from a landscape expert is necessary¹². Given the significant changes to the landscape to date as a result of mining operations at the Central Block, the large scale, nature and close proximity of the works to external boundaries and existing dwellings we disagree and consider that input from a landscape expert is necessary to address effects on mana whenua adjoining the mine site and the wider environment.
53. In regard to landscape and visual matters, Mr [REDACTED] comments that the site is located in the Industrial Zone under the Operative Waitomo District Plan¹³. While this is true, the adjoining land is located within the Rural Zone and it is relevant to ensure the effects of mining operations are managed so that they do not impact adversely on the surrounding rural land.
54. Should consent be granted, we seek changes to the recommended conditions of consent contained within the 42A report and additional conditions of consent that

¹¹ Taharoa Mine Resource Consent Application- AEE, Tonkin and Taylor Ltd- page 47

¹² Further Evidence of Mr [REDACTED] - dated 6 June 2024- page 5

¹³ Further Evidence of Mr [REDACTED] - dated 6 June 2024- page 5

would at least to some extent address our concerns as included in **attachment 9**. Measures we are seeking to manage off site effects are outlined within paragraphs 97-108 of this statement which discusses management of effects on mana whenua adjoining the mine site inclusive of visual amenity.

Air Quality

55. Our submission was lodged in August 2023. While at this time we had not been experiencing direct effects due to dust/ air quality, we expressed concerns in regard to potential effects on air quality due to the nature, scale and location of works and deficiencies in the application in addressing air quality effects.
56. Since the hill separating us from mining operations has been modified there has been a noticeable increase in dust/ air quality effects received at our dwelling. The effects we have experienced have been described in Mr [REDACTED]'s statement and include the regular presence of what we can only assume to be clay dust on numerous surfaces within and on our house. The substance is fine, soft in texture and red/ brown in colour. In addition to experiencing clay dust inside our house, we have at times witnessed dust clouds moving across from the mine site and beyond external boundaries.
57. We are concerned that if particulates are settling on and inside our dwelling it is not only the presence of this dust on these surfaces that is the issue, it is the presence of this dust within the air that ourselves and our tamariki are breathing. We are also concerned at the impact this will have on our ability to enjoy the outdoor environment of our ancestral lands.
58. Mr [REDACTED] has been engaged by TIL to provide evidence to address effects on air quality including an assessment against Rule 6.1.16.1. of the Waikato Regional Plan. In addition, Ms [REDACTED] outlines within her evidence TIL's approach to managing dust. Evidence by Mr [REDACTED] includes a chapter within the Draft Environmental Management Plan to manage dust effects from mining operations.
59. Mr [REDACTED]'s evidence¹⁴ confirms that as the boundary of the Central Block is very close to Receptors R1, R2 and R3, when extraction is occurring within 200m of these receptors, there will be potential for nuisance effects to occur in the absence of additional mitigation. We are identified as Receptor 1 within figure 1 of Mr Curtis's evidence.
60. Within this evidence, Mr [REDACTED] confirms that it is unlikely that receptors more than 300 metres from the site would experience any effects directly associated with activities within the site¹⁵. While it may be unlikely, we can confirm that in our case this has occurred. We are located over 300m from the active mine site however we continue to experience clay dust within our dwelling. We can only assume this is due to the location of the works in relation to us and prevailing south-westerly winds.

¹⁴ Evidence of Mr [REDACTED] paragraph 84

¹⁵ Evidence of Mr [REDACTED] paragraph 65

61. Mr [REDACTED] recommends additional mitigation measures are implemented to reduce the potential for effects to an acceptable level and ensure that the mining operation meets the relevant standards within the WRP including a requirement that activities are not resulting in any nuisance or objectionable adverse effects beyond the boundary.
62. Mr [REDACTED] has confirmed in his evidence that the most effective form of dust control for areas where mining is complete is rehabilitation or at least vegetation. Further evidence of Mr [REDACTED]⁶ also supports the need for rehabilitation or revegetation works in areas which are either temporarily or permanently removed from the TIL operations due to the increased risk of unauthorised discharges beyond the boundary in situations where these works are not undertaken.
63. The importance of rehabilitation in controlling dust effects is consistent with what we have witnessed at the site. With the mine site in its current state with little or no rehabilitation/ planting at times of heavy winds while a tanker may be visibly dampening down the road often the dust is being generated from elsewhere on the site and not necessarily the road or active mine site.
64. Despite Mr [REDACTED]'s evidence and recommendations, TIL has not incorporated these recommended mitigation measures into the consent/ proposed consent conditions. No specific measures are proposed to require rehabilitation or stabilisation of those areas within 200m of external boundaries.
65. We are concerned that we will continue to experience dust/ air quality effects or that effects could potentially increase should TIL continue to mine without incorporating the full range of recommendations contained within the evidence of Mr [REDACTED]
66. To mitigate effects on air quality should consent be granted we request that the following mitigation measures are incorporated as conditions of consent:
- *Areas within 200m of external boundaries are stabilised and revegetated.*
 - *The dust management plan is updated to confirm those mitigation measures outlined by Mr Curtis (mobile sprinklers, setting of wind speed values etc) will be adopted on the site.*
 - *A condition is included requiring placement of Real Time monitoring on the boundaries of the Central Block including to the north of the site (located between the active mine site and northern boundary).*
 - *A condition is included ensuring access to Real Time monitoring data is easily accessible for all stakeholders and the community of Tahaaroa.*
67. **Attachment 9** of this statement contains our comments on conditions of consent recommended within the 42A report and additional conditions that we would request to address our concerns including those relating to air quality.

¹⁶ Further Evidence of Mr [REDACTED] paragraph 9.1

Compliance with WDC Standards (Noise/ Light Emission)

68. We raised concerns within our submission in regard to a failure to demonstrate compliance with the Waitomo District Plan in particular Rule 20.5.1 (Noise) within the resource consent application and as a result, a failure to address noise effects.
69. In the 42A report in regard to noise effects, Mr [REDACTED] states¹⁷ that noise effects (above mean high water springs) fall within the jurisdiction of the WDC, and as such do not form part of the WRC resource consent application.
70. I acknowledge that this is the case. However, the RMA¹⁸ requires that an application for resource consent includes a description of any other resource consents required for the proposal to which the application relates.
71. TIL have confirmed in the evidence of Mr [REDACTED]⁹ that TIL does not propose a setback from external boundaries.
72. It is relevant to request a sufficient level of information to ensure that it is possible to undertake the activity in the location proposed without the need for additional consents from the Waitomo District Council.
73. Both Mr [REDACTED] and Ms [REDACTED] (through incorporation of Ms [REDACTED]'s evidence in Appendix E of Ms [REDACTED]'s evidence) have addressed the matter of noise effects.
74. Within Appendix E of Ms [REDACTED]'s evidence Ms [REDACTED] confirms that TIL has historically met the permitted activity standards in the District Plan relating to noise and has never received any complaints in relation to noise. No evidence has been provided to support this statement.
75. Since lodging our submission, noise emitted from the Central Block has increased due to the nature and location of works which, as I have described, have included the mining of the existing ridge to the south and south-west of us as described within this statement.
76. The impact of mining works on this natural buffer has resulted in both short and long-term effects on us. In terms of the short-term effects, works have involved the operation of heavy machinery at elevated levels in close proximity to our dwelling.
77. The following video was taken on 5th March 2024 on a night when the prevailing south-westerly winds were blowing. The intention of sharing this video is not to provide evidence that noise levels exceeded the maximum level in this instance (although we strongly suspect they would have), but to provide an example of the nature of works being undertaken at the site. On this particular night, my father and I were kept awake almost the entire night due to the excessive noise coming from the mining operations.

¹⁷ Section 42A report paragraph 11.7

¹⁸ Schedule 4, 2(e)

¹⁹ Further Evidence of Mr [REDACTED] dated 28 March- Appendix A

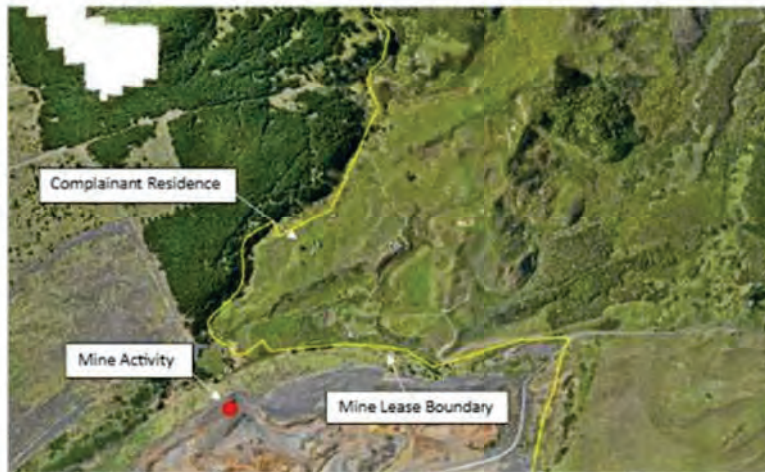


Figure 1: Location of mining operations at the time of works

78. The separation distance between mining operations and our dwelling was approximately 450 metres at the time (see **figure 1**).
79. Contrary to Mr ██████'s evidence²⁰ in this instance, there were no physical barriers located between the activities. It is this physical barrier that separates us from the mining operations that TIL were at the time and have since continued to mine.
80. Following lodgement of a noise complaint in regard to this incident TIL have confirmed that they do not currently implement a regular programme of boundary noise monitoring. We fail to see how Ms ██████ can confirm TIL has historically met the permitted activity standards²¹ in the Waitomo District Plan when TIL do not undertake regular boundary noise monitoring.
81. In regard to the current application, TIL propose to manage noise through the Noise chapter of the Environmental Management Plan. Within the draft EMP due to the distance to sensitive receptors, the presence of physical screening (i.e. ridges) and the relatively low generated noise levels the environmental risk assessment of noise at the site is judged as **low**.
82. The EMP refers to a large sand ridge which provides a setback and screening from the mining activities to mitigate noise effects. It is our understanding that the ridgeline referred to within the EMP is that located behind the Kana residence which is also referred to within the evidence of Mr ██████ and Mr ██████²². The evidence of Mr ██████ and Mr ██████ confirms that TIL do not intend to mine this hill due to the presence of an underground and overhead power supply.
83. At a meeting held with Mr ██████ and Mr ██████ on 6th March 2024 (in regard to the Northern Block- Pit 1 application), it was confirmed that it is TIL's intention to relocate these pylons and mine this hill.

²⁰ Evidence of Mr ██████ paragraph 61

²¹ Evidence of Ms ██████ - Appendix E paragraph 44

²² Evidence of Mr ██████ - paragraph 79

84. Whatever TIL's intentions are, as the application currently stands, there are no measures in place to prevent the mining of this ridgeline. TIL have confirmed in the plans contained within the further evidence of Mr [REDACTED]²³ that no setback is proposed from external boundaries. The EMP should not be relying on the retention of this ridgeline as mitigation to address noise effects given no measures are proposed to retain this ridgeline within the current application.
85. In regard to the distance to sensitive receptors, within the draft EMP it states that the separation distance to receptors is large and that *"the closest receivers are located approximately 150m from the mining area."*²⁴
86. We are unclear which 'mining area' is being referred to within the EMP however as mentioned, given no setback is proposed from external boundaries, it is the distance between the external boundary and sensitive receiver that is relevant when considering the off-site noise effects of the proposed works.
87. As shown in **attachment 6** of this statement, the separation distance to the nearest sensitive receptors is approximately 22m from the boundary (as the crow flies). The Wetini whaanau dwelling is located approximately 284m from the nearest Central Block boundary.
88. TIL has not provided any evidence from an Acoustic Engineer to support the claims that compliance with the Waitomo District Plan standards can and will be achieved. The Noise Chapter of the draft EMP relies on acoustic reports undertaken for the Eastern Block and Te Mania Block as confirmation that proposed activities are predicted to achieve compliance with the Waitomo District Plan noise standards²⁵. Neither of these acoustic reports were provided in evidence.
89. The EMP confirms that regular noise monitoring is not required²⁶ and nor is this proposed by TIL.
90. Where no acoustic report has been provided to confirm activities in the location proposed will achieve compliance with the WDC standards and no regular monitoring is proposed TIL cannot know that proposed mining operations will be compliant with WDC noise requirements.
91. Noise received from the site is variable depending on a number of factors including the wind direction and speed and location of operations however from our experience we can confirm that there is the potential for the activity to produce high levels of noise that at a distance of 450m are loud enough to impact adversely on amenity and cause sleep disturbance.
92. For the reasons outlined, the further evidence provided by TIL and the inclusion of the noise chapter of the draft EMP do not alleviate our concerns regarding management of noise within the mine site and potential off-site noise effects.

²³ Further Evidence of Mr [REDACTED] Appendix A- Site Plans

²⁴ Draft Environmental Management Plan- Chapter 11 (Noise), page 40

²⁵ Draft Environmental Management Plan- Chapter 11 (Noise), page 40

²⁶ Evidence of Mr [REDACTED] - Attachment 1- Draft EMP- Section 11.4.1

93. Section 29 of Mr [REDACTED]'s evidence addresses Health and Wellbeing Indicators. This evidence highlights the significance of the Puriri Moth, Pekapeka (Aotearoa Bat) and the Ruru to Ngaati Mahuta ki te Hauaauru²⁷ and potential effects on them as a result of noise and light pollution. Based on the noise and light pollution that we have experienced at times from the mining operations (see **attachment 5 photos 20 and 21**) we support Mr [REDACTED]'s request that TIL undertake measures to actively reduce light and noise pollution by creating native green corridors with the intention not to mine those areas.
94. Our preference for managing noise within the Central and Southern Blocks is the preparation of an acoustic report. This would confirm whether noise levels at the boundary are predicted to comply with Rule 20.5 of the Waitomo District Plan. Should noise levels be predicted to exceed the maximum permitted levels at the boundary, mitigation measures would be recommended (i.e. setbacks, retention of buffers, limiting night-time activities) to reduce noise levels to a level that is compliant with WDC standards (assuming this is possible and resource consent is not required from the Waitomo District Council). Without this information, I consider a significant information gap remains within the application.
95. In the absence of this report, should consent be granted we request a minimum 100 metre setback from external boundaries sufficient to ensure the retention of the ridgeline located to the south of us to mitigate both the short and long-term noise effects of mining operations. This would ensure that those mitigation measures referred to within the noise chapter of the draft EMP can be relied upon.
96. In addition, we request a condition requiring TIL to undertake continuous noise monitoring at external boundaries to ensure ongoing compliance with WDC noise requirements during daytime and night-time hours. We request that the results of noise monitoring are easily accessible by stakeholders inclusive of those adjoining the mine site.

Management of effects on mana whenua adjoining the mine site

97. Mr [REDACTED] confirms within the application that the site is in a coastal dune environment and is defined as a High-Risk Erosion Area under the Waikato Regional Plan. Consent is sought under Rule 5.1.4.15 (soil disturbance activities in high-risk erosion areas)²⁸ as a discretionary activity.
98. The application and evidence provided by TIL fails to adequately address the full range of matters required under objective 5.1.2 of the Waikato Regional Plan including (but not limited to) the following:
- (e) significant effects on the relationship tangata whenua as kaitiaki have with their identified ancestral taonga such as ancestral lands, water and waahi tapu are avoided.*

²⁷ Evidence of Mr [REDACTED] section 29

²⁸ Taharoa Mine Resource Consent Application- AEE- pages 3, 19

(f) cumulative adverse effects on the relationship tangata whenua as kaitiaki have with their identified taonga such as ancestral lands, water, waahi tapu are remedied or mitigated.

99. Despite the nature and significant scale of the works proposed, as outlined within this statement no specific measures are proposed within the application, evidence or further evidence to mitigate the wide-ranging effects on mana whenua adjoining the mine site or on our relationship with our ancestral lands, water or waahi tapu.
100. The evidence of Mr [REDACTED]²⁹ is helpful as this provides recommendations to reduce off-site air quality effects. However, TIL have not proposed to incorporate the full range of recommendations outlined within Mr [REDACTED]'s evidence.
101. To address effects on adjoining landowners Mr [REDACTED] has recommended³⁰ a 50m setback from boundaries adjoining the Central and Southern Blocks. We are supportive of a minimum setback from external boundaries. In my view this should not be an arbitrary number and should be developed with the required input from a range of suitably qualified professionals to address the off-site effects of mining operations including those on air quality, amenity, land stability, erosion and saltation.
102. In regard to the need for a minimum setback from external boundaries, within Mr [REDACTED]'s rebuttal evidence he makes the following comment³¹:
- “While the consents for the Eastern Block have a boundary setback (30m) that was to ensure that a large existing dune was retained as a natural bund/ buffer between the eastern block works area and adjoining properties close to Taharoa Village. There are no similar considerations for the entire consent area, also noting that the applications do not seek the ability for mining to occur in the northern block.”*
103. We disagree with this statement given there is in fact a natural bund/ buffer within the northern part of the Central Block which as we have described up until 2023 separated ourselves and others adjoining the site from the above mining operations. However, TIL have and continue to mine this natural bund/ buffer which has resulted in a significant increase in effects on us.
104. In the absence of evidence that would determine an appropriate setback to mitigate effects on us, should consent be granted we request a minimum setback of 100m from all external boundaries. This would ensure retention of the natural bund that separates ourselves and others located to the north of the Central Block from those effects of the mining operations.
105. To allow for an effects-based approach to addressing effects on mana whenua adjoining the mine site, we have requested within **attachment 9** of this statement that a mitigation plan is required as part of the Site Rehabilitation Plan to manage off-site effects. This is to be prepared in consultation with affected parties. The objective

²⁹ Evidence of Mr [REDACTED] paragraphs 92-111

³⁰ 42A Report- Mr [REDACTED]

³¹ Rebuttal Statement of Evidence of Mr [REDACTED] dated 6 June 2024- Appendix A- condition 2

of the mitigation plan would be to avoid, remedy or mitigate actual and potential effects on mana whenua adjoining the mine site and their relationship with their ancestral lands, waters and waahi tapu, effects on amenity, air quality, dust effects, land stability, erosion and saltation.

106. We request that the mitigation plan is prepared with the input of required experts including a landscape architect/ sand dune restoration or rehabilitation expert, air quality expert, engineer and any other experts deemed appropriate to identify and address off site effects.
107. We request that the mitigation plan include:
- *Identification of a buffer zone within which no mining would occur,*
 - *Details of the nature and location of mitigation measures including (but not limited to) vegetation and natural features to be retained (including bunds/ buffers), treatment and planting proposed within the buffer zone.*
 - *A landscape plan detailing rehabilitation works and planting proposed within 200m of site boundaries including anticipated contours of final landforms, treatment and planting.*
 - *Staging and timeframes for all works.*
 - *Details of the maintenance and replacement procedures and schedule of planting.*
 - *Details of plant and animal pest control plan and implementation.*
108. We request that a 100m setback is required from all external boundaries until such time as the mitigation plan is developed at which time the setbacks that would apply would be those within the mitigation plan (noting that a greater setback may be required to ensure compliance with District/ Regional Plans/ NES, other conditions of consent).

Waterbodies

109. We requested within our submission details of an accurate site plan showing setbacks of the mining works from waterbodies and a description of the extent to which these may be affected by the works and measures proposed to avoid, remedy or mitigate the effects of the activity on water bodies.
110. As we have described, the Mitiwai Stream is located between Wetini whaanau land and that of Taharoa Ironsands Limited. A tributary connects to the Mitiwai Stream at the south-western part of Wetini land.
111. The cultural evidence of Mr [REDACTED]³² highlights the cultural significance of the Mitiwai Stream and the important role this awa has in supporting cultural practices, supporting growth of healthy food as well as ecosystems aquatic life and the birds (including the Kootare) that this supports. This evidence emphasises the importance of ensuring mining operations are undertaken in a way that ensures the health,

³² Evidence of Mr [REDACTED] - pages 47-55

wellbeing and integrity of Mitiwai is preserved. This in turn, ensures the health, wellbeing and integrity of our people³³.

112. Mining operations impacting on the ridgeline within the northern part of the Central Block are located directly above the Mitiwai Stream (see **attachment 5- photo 18**). Saltation has occurred below these operations where sand has migrated down the hill towards the stream. Based on what we have witnessed, we are concerned at the close proximity of the works to the Mitiwai Stream and potential effects on this awa.
113. Further evidence of Mr [REDACTED] proposes an increased buffer from the Mitiwai Stream from 30m to 80m³⁴. An increased buffer would ensure the retention of the adjacent dune which Mr [REDACTED] considers provides the most effective buffer to the effects of the mine activities on the Mitiwai Stream. We support an increased setback of 80m from all perennial waterbodies within and adjacent to the mine site inclusive of the Mitiwai Stream as recommended within this further evidence should consent be granted.
114. We understand that the current mining operations involve works as close as 30m from the Mitiwai Stream and should consent be granted there would be a need to address the effects of works already undertaken in close proximity to the Mitiwai Stream.
115. We support planting of a native buffer along the Mitiwai Stream to stabilise the land and mitigate effects of the works on this awa and those important ecosystems that this awa supports as addressed within the evidence of Mr [REDACTED]³⁵. Should consent be granted, we would request that this is included as a requirement within conditions of consent.

Wetlands

116. We requested within our submission details of an accurate site plan showing setbacks of the mining works from wetlands and a description of the extent to which these may be affected by the works and measures proposed to avoid, remedy or mitigate the effects of the activity on these features.
117. We understand that TIL is proposing to mine as close as 30m from wetlands subject to a requirement to undertake a hydrological assessment prior to mining being undertaken within 100m of wetlands.
118. Mr [REDACTED] has recommended a 100m setback from natural inland wetlands is maintained on the basis of legal advice received. A condition of consent is recommended requiring the consent holder to submit a map showing the location of, and a setback of 100m from all natural inland wetlands³⁶.

³³ Evidence of Mr [REDACTED] page 51

³⁴ Further Statement of Evidence of Mr [REDACTED] pages 16-17

³⁵ Evidence of Mr [REDACTED] page 51

³⁶ 42A Report Addendum- Mr [REDACTED] - AUTH142035.01.01 proposed condition 2(c)

119. We are opposed to a reduced setback as sought by TIL due to the potential effects on wetlands given the hydro-geological report has not yet been produced and therefore the effects of a reduced setback on wetlands are not yet known. We support the need for a 100m setback from wetlands and recommended condition 2(e) (AUTH142035.01.01) of the S42A Report Addendum.
120. Within the Joint Witness Statement for experts in the field of hydrology and wetland ecology experts agreed that there is a wetland and tributary system adjacent to the north boundary of the Central Block that should be considered as part of the Mitiwai Stream network³⁷.
121. I have attached photos of this wetland area within **attachment 5- photos 13-17** of this statement which is partially located within Wetini whaanau land (Taharoa A1C7A).
122. As can be seen within **attachment 3** of this statement, a wetland also extends within the boundaries of A7J11B2B which is identified within the Proposed Waitomo District Plan as an SNA (significant natural area).
123. We support a 100m setback from all identified inland wetlands and the inclusion of recommended condition 2(e) within the land use consent (AUTH142035.01) requiring that the map required under condition 2 include the location of, and a setback of 100m from, all natural inland wetlands within and adjacent to the Consent Area.
124. In addition to hydrological effects, further evidence of Mr [REDACTED] considers the effects of sand migration down the ridgeline on a tributary of the Mitiwai Stream and connected wetland³⁸. Mr [REDACTED] recommends this dune is retained, as the removal has the potential to impact significantly on ecological values beyond the boundary of the mine site.
125. Evidence of sand migration can be seen within the photos contained within **attachment 5- photo 15** of this statement. We support the retention of this existing dune due to the wide-ranging effects likely to occur from the removal of the dune inclusive of the effects of sand migration on wetlands.

Cultural Effects

126. We are disappointed at a failure by TIL to adequately address cultural effects within the resource consent application and evidence.
127. The Roy Wetini Whaanau Trust would like to confirm our support of the cultural evidence submitted by Mr [REDACTED] in his role as cultural expert and representative for the descendants of Ngaati Mahuta ki te Hauaauru. This evidence highlights the significance of whakapapa and the ancestral narratives within Ngaati Mahuta ki te Hauaauru and emphasised the importance of our role as kaitiaki of our tribal lands and the continuing legacy passed down from our ancestors. This evidence proposes measures to address the effects of the mining.

³⁷ Joint Witness Statement of Experts- Hydrology and Wetland Ecology- page 3

³⁸ Further Evidence of Mr [REDACTED] - section 12

128. To address the wider effects of the mining operations we support an approach that encompasses maatauranga Maaori to monitor changes to the environment and identify and address any issues that may arise. A description of health and wellbeing indicators and the importance of this knowledge is included within the evidence of Mr [REDACTED]³⁹ This highlights the importance of both recognising tohu and responding to these signs and indicators.
129. We are supportive of all mitigation measures proposed within the statement of Mr [REDACTED] including that TIL should actively engage with and involve mana whenua in environmental management⁴⁰. We support monitoring of mining impacts on flora and fauna with a focus on native species, active measures to restore native habitats and the creation of native green corridors.
130. Should consent be granted we would support a requirement for the inclusion of these measures as conditions of consent.

Consultation & Communication

131. In regard to consultation, Mr [REDACTED] states within his evidence that TIL has *"consulted exhaustively with our immediate neighbours about the mine and consultation is on-going"*⁴¹. He confirms that TIL is required to invite stakeholders to an annual meeting to discuss any issues relating to the operation of the mine and that the most recent meeting was held in April 2023.
132. As confirmed in Mr [REDACTED]'s statement, despite immediately adjoining the mine site TIL did not consult with us in regard to this resource consent application. While the application was lodged in 2020, we were not aware of the application until June 2023 and even then, it was not TIL that notified us. At the time of lodgement in 2020 and up until July 2023 in addition to the Central and Southern Blocks, the application also sought consent to mine the Northern Block which as described, we also immediately adjoin.
133. This is not a 'perceived' lack of consultation as implied within the evidence of Mr [REDACTED]⁴². This is a lack of consultation.
134. Mr [REDACTED] makes comment in his evidence that *"It is important to note that almost all of the submitters and their families are immediate neighbours of the mine but do not reside in the Taharoa Village and are not directly affiliated with TIL"*⁴³.
135. We are unclear why Mr [REDACTED] believes this is important to note. When considering the effects of the proposal it is necessary to consider all actual and potential effects of the activity. While our circumstances mean that currently we are unable to permanently reside in Tahaaroa this does not mean effects on our whaanau and

³⁹ Evidence of Mr [REDACTED] paragraphs 29.22, 29.24

⁴⁰ Evidence of Mr [REDACTED] paragraph 29.29

⁴¹ Evidence of Mr [REDACTED] paragraph 96

⁴² Evidence of Mr [REDACTED] paragraph 102

⁴³ Evidence of Mr [REDACTED] paragraph 95

whenua should be disregarded, nor should this be used as an excuse to exclude us from consultation. Members of our whaanau have lived here before and there is the potential for us to live here on a permanent basis again. We want to ensure that the effects of the mining are managed in a way to ensure this is always an option for us.

136. Based on our experience with TIL it is our view that there is a need to formalise consultation. Consultation to us is meaningful engagement where we are involved early in the process, we are listened to and provided with an opportunity to ask questions, where we can raise any issues or concerns, we may have and where we are invited to provide feedback on future proposals. We would like to ensure information presented is accurate, that minutes are taken and easily accessible. Questions should be responded to with the level of detail we are seeking and in a timely manner.
137. Mr [REDACTED] proposes within the 42A report additional conditions of consent which do to some extent address concerns raised in our submission around a lack of consultation by TIL. We are supportive of a number of these measures subject to some requested amendments. We have included full comments in **attachment 9** of this statement.
138. Based on our own experiences we have found that the effects of the activity do extend beyond the boundary of the mire, and we agree with Mr [REDACTED] and Mr [REDACTED] that there is a need for community involvement in management plans particularly in the development of Conceptual Site Closure Plan⁴⁴. Consultation needs to materially inform the content of the management plans and should be taken into account when the Waikato Regional Plan certifies these plans.
139. In **attachment 9**, we have requested that should consent be granted, in addition to those identified within recommended condition 14, engagement on the SRP and CSCP should extend at a minimum to those adjoining the mine site given the direct and significant impact this will have on us. The Conceptual Site Closure Plan should also extend to involve engagement from the wider community of Tahaaroa as the effects of the rehabilitation of this 875 ha land area would extend well beyond the boundaries of this site.

Monitoring and Enforcement

140. In regard to compliance history, Ms [REDACTED] has confirmed within her evidence⁴⁵:

“Overall, TIL has had a positive compliance history given the length of time that the mine has been operating, the number of consents it operates under, and the nature of activities being undertaken.”
141. This statement does not align with Attachment AB contained within the Section 42A Report Addendum or the abatement notices that have been issued in regard to operations at the Central and Southern Blocks.

⁴⁴ Evidence of [REDACTED] - paragraphs 34 and 46

⁴⁵ Evidence of Ms [REDACTED] - Appendix E- Evidence of [REDACTED]

142. In our view should consent be granted, significant changes need to be made to the way in which monitoring is undertaken and reported on at the mine site. Where conditions of consent are breached the Waikato Regional Council has a responsibility to take actions necessary to rectify the matter. In some cases this has occurred with the issuing of a number of abatement notices. In these instances it is my understanding that it has been mana whenua who have witnessed and reported these issues.
143. To say we are disappointed at the inadequate monitoring/ enforcement of rehabilitation at the site is an understatement. TIL has consistently breached numerous conditions of consent particularly in regard to their obligations to undertake rehabilitation at the site.
144. From the information available to us TIL do appear to have reported this absence of rehabilitation work in their Annual Monitoring Reports. Despite this, and despite WRC monitoring reports confirming that they were aware of these breaches, the Waikato Regional Council has failed to take any action to rectify the situation.
145. **Attachment 5** photos 1-9 demonstrate the significant changes that have occurred to the Central and Southern Blocks within the past 10-12 years. Aerial images contained within **attachment 7** show changes within approximately the same time-period. While some of these images and photos pre-date TIL, all images were within the life of the existing (now expired) consents which were granted in 2007. These changes have occurred through significant breaches of existing conditions of consent which WRC were responsible for monitoring and enforcing.
146. To ensure operations at the mine site do not impact adversely on the environment should consent be granted there is a need for significantly more transparency in regard to monitoring.
147. Should consent be granted we have included comments on the recommended conditions of consent and additional conditions that we would like to see included in regard to monitoring within **attachment 9** of this statement.
148. In regard to the matters of monitoring and enforcement in summary we support:
- *An increased role of mana whenua in environmental management as requested within the evidence of Mr [REDACTED]⁴⁶ Such roles should be resourced.*
 - *Measures that would provide accessible monitoring data on a single platform.*
 - *A requirement for real time monitoring, including but not limited to air quality as recommended within the evidence of Mr [REDACTED]*
 - *The establishment of a website as recommended within the 42A report addendum which includes a raft of information including contact details of TIL personnel to raise any concerns and procedures for making complaints as recommended within condition 22⁴⁷.*

⁴⁶ Evidence of Mr [REDACTED] paragraph 29.29

⁴⁷ S42A Report Addendum

- *Transparency around rehabilitation including future staged planning of rehabilitation and reporting of rehabilitation undertaken annually (as recommended within S42A Report Addendum).*
- *Easy access to Annual Monitoring Reports i.e. as recommended in condition 22 of the S42A Report Addendum.*

Bond

149. Should consent be granted, we are supportive of recommended conditions 27-40⁴⁸ of the S42A Report Addendum requiring a bond to be held along with other conditions relating to this bond.
150. It is clear from Attachment AB contained within the S42A Report Addendum and abatement notices that have been issued that historically TIL has breached numerous conditions of consent throughout the life of their (now expired) consents.
151. Given the significant amount of rehabilitation that the consent holder has failed to implement and rehabilitation deficit that now exists we would expect that the costs and challenges with rehabilitating the 875ha site would have increased significantly from that bond required as part of the now expired consents.
152. We would like to ensure a bond review is undertaken which takes into account the existing state of the environment, significant rehabilitation deficit and additional challenges that are likely to now exist when rehabilitating the site as a result of these breaches of consent.

Consent term

153. Should consent be granted, we are opposed to the consent term of 35 years as requested by TIL and as recommended by Mr [REDACTED].
154. When considering the term of the consents, Mr [REDACTED]⁴⁹ identifies potential environmental risks and uncertainty. This part of the 42A report states that:
- “WRC (as well as other regional councils) have a long history of controlling the effects of mining and quarry activities by way of appropriate consent conditions. All the actual and potential effects of the proposed activities are well known (there is no uncertainty) and can be controlled by consent conditions.”*
155. We do not agree with this statement as:
- *It is clear from attachment AB of the S42A Report Addendum that the consent holder has failed to achieve compliance with numerous conditions of consent and the rehabilitation identified in the Site Rehabilitation Plan has not been implemented at the Central and Southern Blocks.*

⁴⁸ Section 42A Report Addendum- Schedule 1- General conditions 27-40

⁴⁹ Section 42A Report- page 85

- *TIL have not demonstrated that they are capable of successfully implementing rehabilitation inclusive of planting as required under their consent conditions.*
- *Rehabilitation is relied upon as a mitigation measure however no specific details or plans have been provided to show staged rehabilitation of the site have been provided within the application, SRP or CSCP.*
- *A number of complaints in regard to air quality have been received by TIL and the recent abatement notice indicates that the effects of the mining works on air quality have not been effectively controlled.*
- *We have experienced increasing effects including noise, dust/ air quality and visual amenity.*
- *The applicant has not included an adequate assessment to identify actual and potential effects on mana whenua adjoining the site or their relationship with their ancestral lands, waters, waahi tapu and no mitigation is currently proposed to address these effects.*
- *The application is heavily reliant on a range of Management Plans to address the effects of the proposal many of which have not yet been prepared.*

156. While in its current form for the reasons outlined in this statement, we are unable to support the application, should consent be granted we consider the consent term should be no more than 14 years consistent with the consent term for the existing (expired) consents.

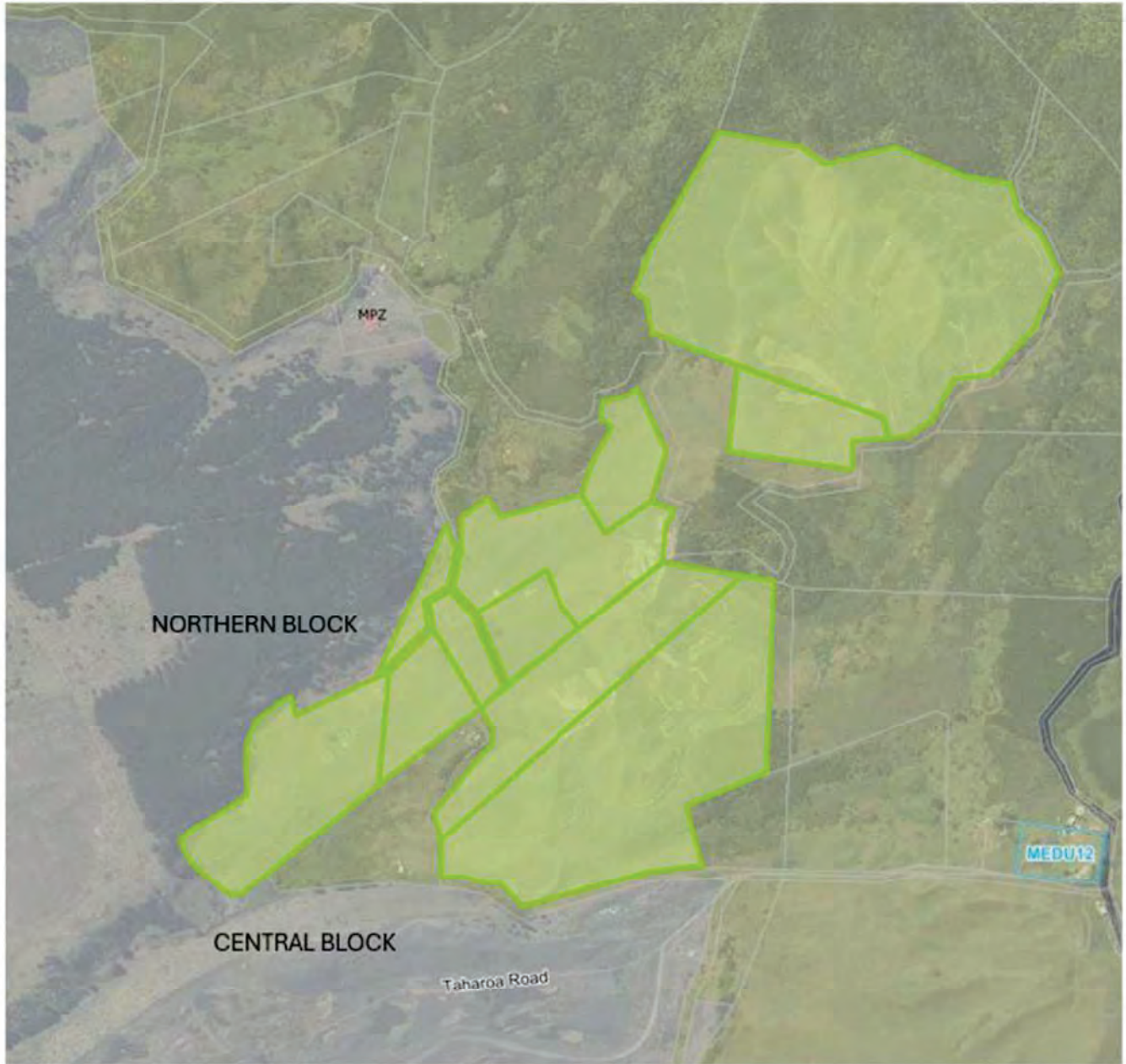
Request to the Commissioners

157. We appreciate the economic and social benefits provided by the mining operations to the community of Tahaaroa and the economic benefits to the wider region. As a whaanau, we would like to make it clear that we are not opposed to the activity of mining itself providing operations are managed in a way that they do not impact adversely on our ability to connect to our ancestral lands and that they ensure the health of te taiao for current and future generations.
158. Unfortunately, it is evident to us when viewing the mine site, given the numerous breaches of consent conditions, effects on air quality, visual amenity and noise that we have experienced and concerns raised by other submitters that operations have not been managed in this way.
159. A genuine attempt was made within our submission to express our concerns and we intentionally requested specific information which we had hoped TIL would provide to address these concerns.
160. Unfortunately, additional evidence supplied by TIL has not sufficiently addressed our concerns in regard to a number of key issues including rehabilitation, mitigation of off-site effects (air quality, visual amenity, noise, erosion and saltation), impacts on waterbodies and wetlands.
161. Recommendations within the S42A Report Addendum have addressed many of the concerns raised in our submission particularly around consultation, a need for

increased transparency, communication, rehabilitation, impacts on wetlands and the requirement for a bond. A number of these recommendations have not however been agreed upon or adopted by TIL.

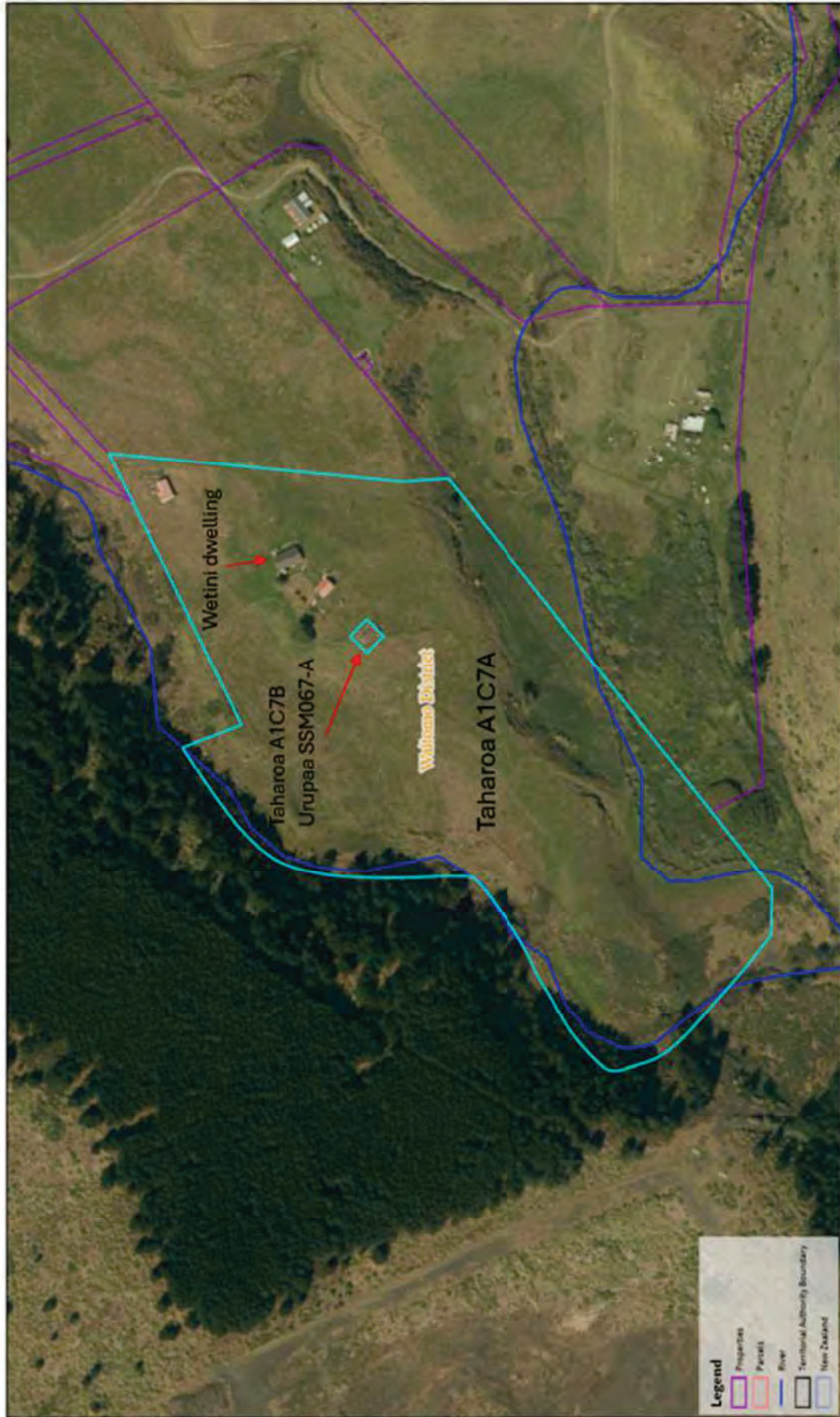
162. Based on the current application put forward by TIL, the risks for us, our ability to continue to connect to our ancestral lands, the effects on the wider environment and future generations are too great.
163. On the basis of the application and evidence that has been submitted by TIL we have no option but to request that the application as it stands be declined.
164. While we want to make it clear that we are opposed to the application in its current form, should the commissioners be of a mind to approve this consent we have included comments on conditions of consent recommended within the 42A report and requested additional conditions of consent that would to some extent address our concerns. These are contained within **Attachment 9** of this statement.

Attachment 1: Wetini Whaanau Whenua in relation to Central Block



Attachment 2:

Taharua A1C7A location of dwelling and urupaa



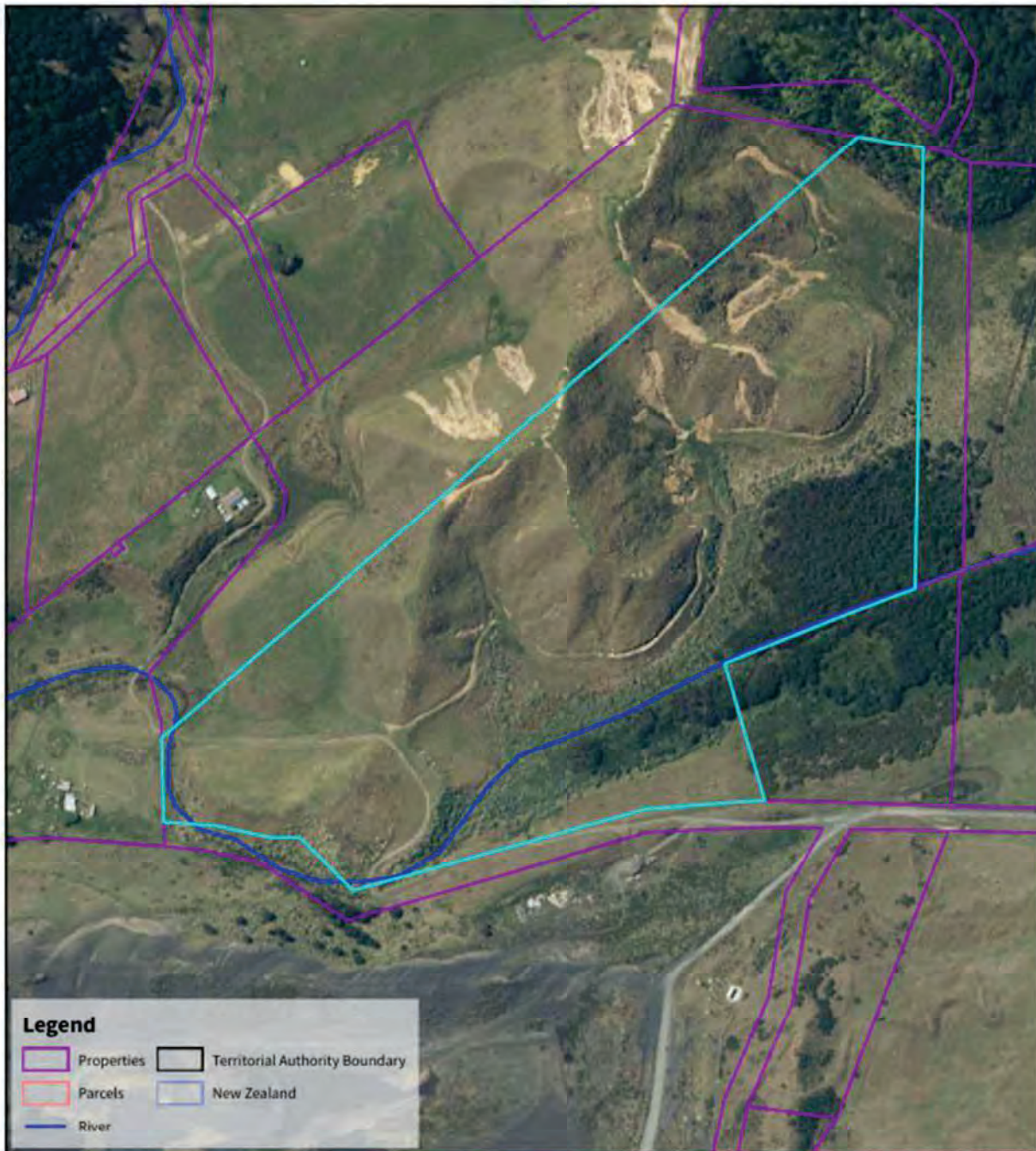
LocalMaps Print

Scale: 1:2,287
 1 cm = 0.02 km when printed at A3
 NZSD 2000 New Zealand Transverse Mercator
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Waikato
 REGIONAL COUNCIL
 Te Kaitiaki Take Kōwhiri

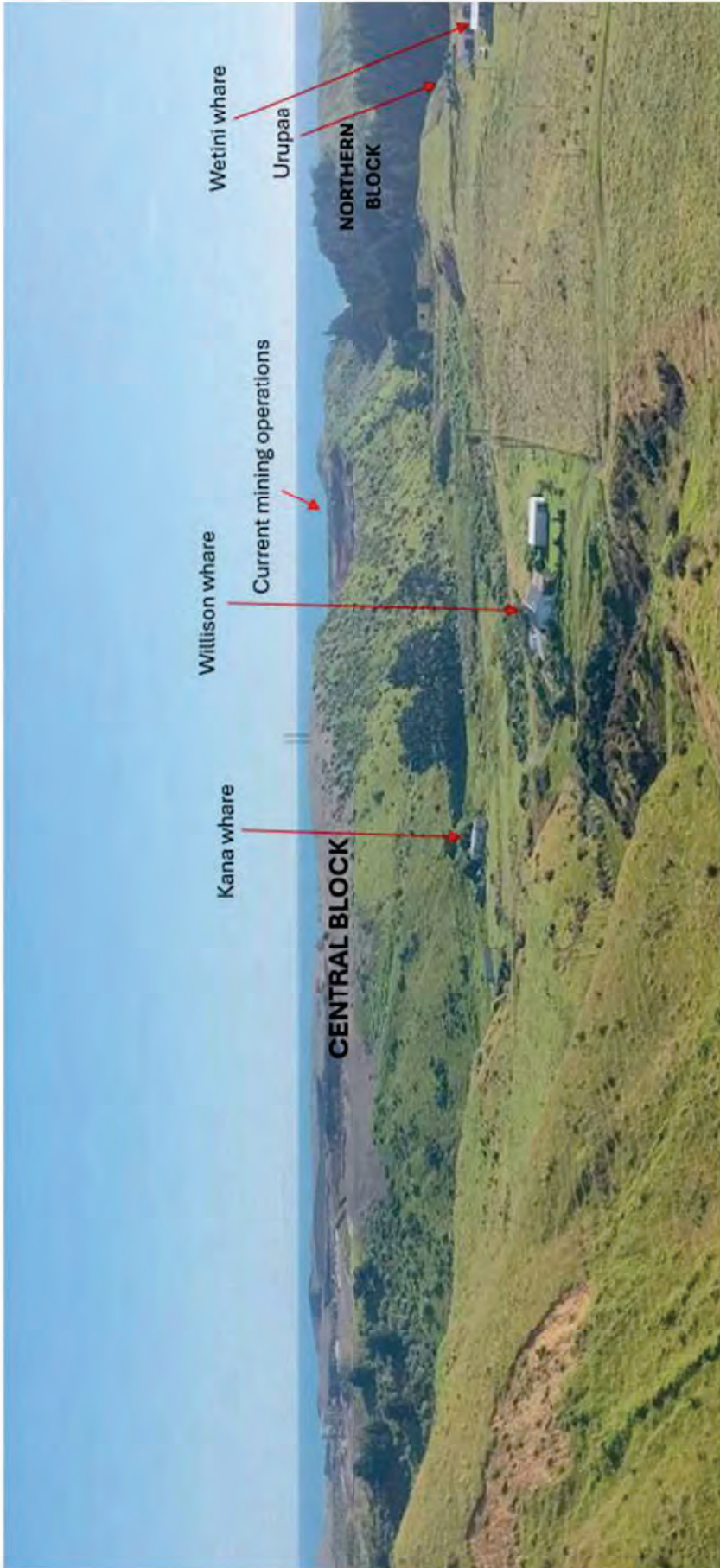
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Attachment 3:
A7J11B2B Blk XVI Albatross SD



Attachment 4:

Location in relation to mine sites



Attachment 5: Photos



Photo 1: 7th July 2013- Ridgeline at 2013- Wetini dwelling (red roof)



Photo 2: 2014- Ridgeline and Central Block



Photo 3: 2018- Ridgeline



Photo 4: 7th October 2020



Photo 5: 2nd June 2024



Photo 6: 2nd March 2024- Remaining ridgeline on left hands side, Wetini dwelling (grey roof), shed (red roof) and urupaa visible behind.



Photo 7: 2nd March 2024- Photo taken with drone view west down remaining ridgeline.



Photo 8: 2nd March 2024- Remaining ridgeline behind Kana dwelling



Photo 9: 2nd March 2024- View towards Central Block



Photo 10: Dec 2024- Photo taken from Wetini whaanau land looking towards Central Block



Photo 11: 3rd June 2024- Wetini dwelling in front- Central Block mining operations in background



Photo 12: 28 Dec 2023- Ridgeline remaining behind Kana dwelling



Photo 13: 2nd June 2024- Ridgeline and wetland area below



Photo 14: 2nd June 2024- Ridgeline above wetland area view towards south-east. Visible sand migration towards wetland.



Photo 15: 2nd June- Hill remaining above tributary of Mitiwai Stream and wetland area. Visible sand migration down ridgeline.



Photo 16: 2nd June 2024- Wetland area and works to the south-west above Mitiwai Stream



Photo 17: 2nd June 2024- Works to the south-west above Mitiwai Stream



Photo 18: 28th December 2023- Works above the Mitiwai Stream- westernmost boundary of Wetini land



Photo 19: 2nd June- Mitiwai Stream- westernmost boundary of Wetini whaanau land

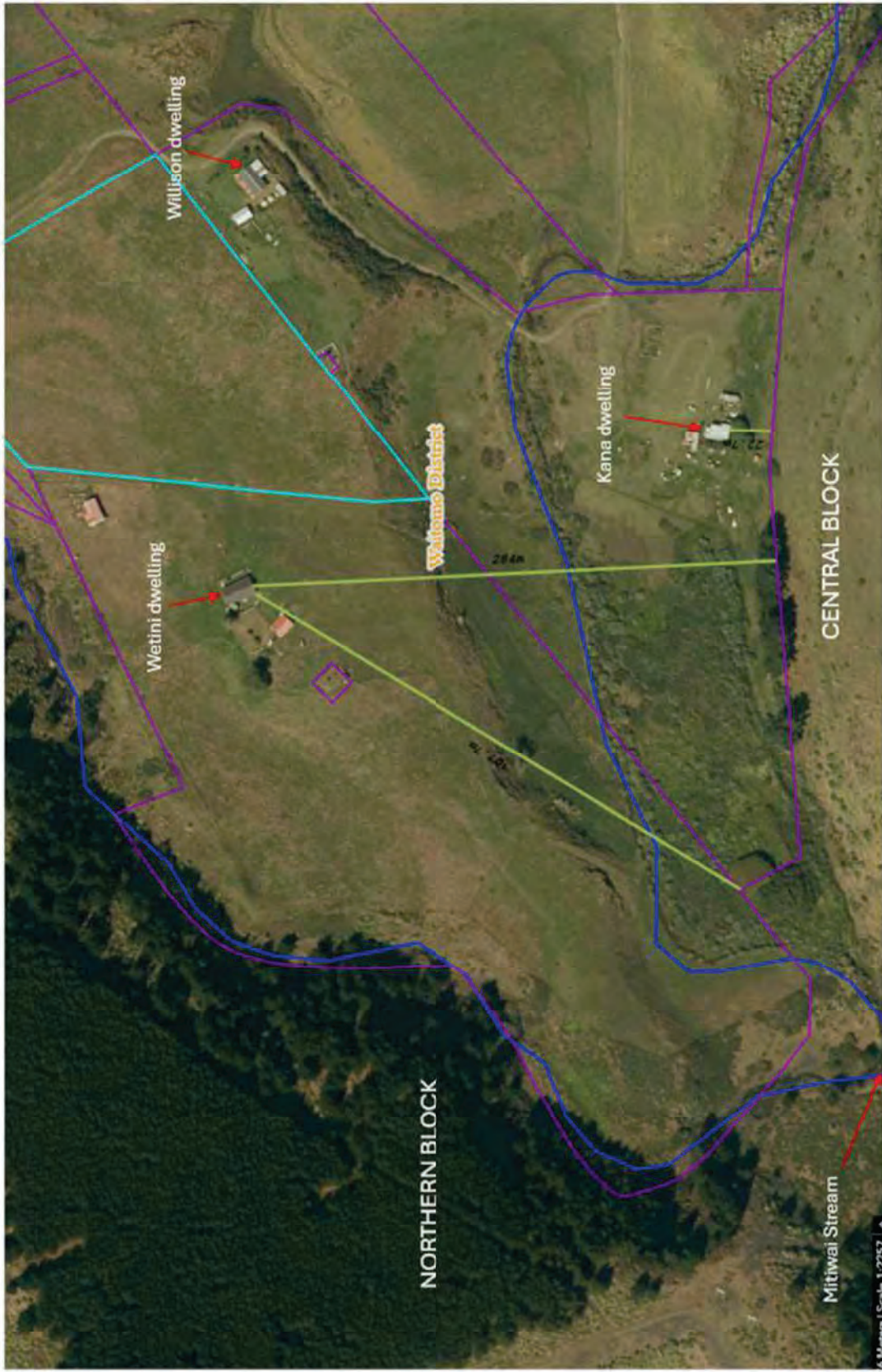


Photo 20: 10th April 2023- Light emission from mining operations. Photo taken looking south towards Central Block.



Photo 21: 1st June 2024- Light emission from mining operations. Photo taken outside Wetini dwelling looking southwest towards mining operations.

Attachment 6: Distance from dwellings to Central Block



Attachment 7: Aerial Imagery



Aerial Imagery 2012-2013- Source: Toitu te Whenua Land Information NZ



Aerial Imagery 2024- Source: Waikato Regional Council- date printed: 26 July 2024

Attachment 8:



Ridgeline before impacts of mining- Date unknown



Wider view of ridgeline, (front, right hand side), Central, Southern Blocks in background and Lake Taahaaroa- Date unknown

Attachment 9: Roy Wetini Whaanau Trust Comments on Recommended Conditions of Consent (42A Report Addendum) and additional conditions of consent requested

AUTH142035.01- Land Use Consent

Activity authorised: Undertake iron sand mining operations and associated land disturbance activities including construction of dredge ponds, access roads, iron sand stockpiles and ancillary buildings.

Condition 2- Map

We request an amendment to condition 2(b) as follows:

Condition 2(b):

An internal setback of ~~100~~ ~~50~~-m from third party properties adjoining the Consent Area (excluding the Northern Block, Eastern Block and Te Mania Extension) **or that setback specified within the mitigation plan contained within the Site Rehabilitation Plan.**

We support the requirement under 2(e) to include the location of, and a setback of 100m from all natural inland wetlands within and adjacent to the Consent Area. We understand based on the JWS for experts in the field of hydrology and wetland ecology that this will include the wetland and tributary system adjacent to the north boundary of the Central Block (including that within Taharoa A1C7A and A7J11B2B Blk Albatross Point).

We request that condition 2(d) is amended as follows:

Condition 2(d):

The location of, and a setback of ~~30~~ ~~80~~m from, any other perennial waterbodies within and adjacent to the Consent Area; and

We support the requirement under 2(g) to include the location of urupaa and other waahi tapu sites.

Schedule 1- General Conditions

Condition 10- Bare surfaces to be revegetated

We support this recommended condition which will to some extent address our concerns regarding TIL's failure to rehabilitate the site following operations in accordance with consent conditions and the impacts that these vast exposed areas have had on ourselves and the wider environment.

Condition 14- Environmental Management Plan

We request that in addition to those parties specified in condition 14, consultation on the Site Rehabilitation Plan extends to include those adjoining the mine site. We request that consultation on the Conceptual Site Closure Plan extend to include those adjoining the mine site and the wider community of Taharoa.

We request that a mitigation plan is required as part of the Site Rehabilitation Plan/ Environmental Management Plan to specifically address the effects of mining operations on mana whenua adjoining/ in close proximity to the mine site. We request that this plan is developed in consultation with mana whenua.

We request that objective of the plan is to implement mitigation measures to address effects on these parties including those on amenity, air quality and dust effects, land stability, erosion and saltation.

We request that this plan is prepared with input from all required experts inclusive of a landscape architect/ sand dune restoration or rehabilitation expert, air quality expert, engineer and any other experts deemed appropriate to identify and address off site effects on mana whenua adjoining the mine site.

We request that a mitigation plan include the following:

- *Identification of a buffer zone from all external boundaries within which no mining will occur.*
- *Details of the nature and location of mitigation measures including (but not limited to) vegetation and natural features to be retained (including bunds/ buffers), treatment and planting proposed within the buffer zone.*
- *A Landscape Plan detailing rehabilitation works and planting proposed within 200m of site boundaries including anticipated contours of final landforms, treatment and planting.*
- *Staging and timeframes for all works.*
- *Details of the maintenance and replacement procedures and schedule of planting.*
- *Details of plant and animal pest control plan and implementation.*

We request that a 100m minimum setback be required from all external boundaries until such time as the mitigation plan is developed at which time the setbacks that will apply would be those within the mitigation plan (noting a greater setback may be required to ensure compliance with District Plan/ Regional Plan/ NES or other conditions of consent).

We support recommended condition 14(f)(i) which would require 63ha of rehabilitation to be undertaken by the end of 2026 to make up for rehabilitation that should have occurred since 2017.

We support a focus on rehabilitation adjoining external boundaries and request that in addition to focusing on the eastern edge of the Central Block, this also include the northern part of the Central Block to address our concerns particularly in regard to clay dust/ air quality effects.

Conditions 21-22- Communication

We support the inclusion of recommended condition 21 with the addition of neighbouring landowners/ kaitiaki.

We support recommended condition 22 requiring establishment of a website which addresses some of the concerns raised in our submission. We support the requirement for the Annual Works Plan (required under condition 23) to be included on the website including details of mining and rehabilitation proposed within the next 12 months. We support the inclusion of the monthly and annual monitoring reports within this condition which we understand would include details of rehabilitation undertaken within the previous 12 months.

Condition 22 includes a requirement to include agendas of upcoming community meetings and for minutes of community meetings within the website however there is no condition that would require community meetings to be held. We request an additional condition is included that requires regular community meetings to be held.

We support the inclusion of condition 23 requiring TIL to provide WRC with an Annual Works Plan. We support the requirement to map areas to be mined, those areas to be rehabilitated, the nature of revegetation including contour, vegetation cover, maintenance of plantings.

Conditions 27-40- Bond

As outlined in this statement, we consider a rehabilitation bond is very necessary. TIL have a history of breaching consent conditions including those requiring rehabilitation of the site (Schedule 2 General Conditions- condition 8) of consent 100909 (now expired).

We would like to ensure that the value of the bond is assessed taking into account the current state of the environment which now has a significant rehabilitation deficit due to these breaches of consent.

In addition to the above comments on those recommended conditions within the 42A Addendum Report, we request additional conditions to the following effect.

- *A condition requiring placement of Real Time dust monitoring on the boundaries of the Central Block including to the north of the site (located between the active mine site and northern boundary).*
- *A condition requiring access to Real Time monitoring data for all stakeholders and the community of Tahaaroa.*
- *Conditions requiring stabilisation and revegetation of areas within 200m of external boundaries.*
- *The dust management plan to be amended to commit to those mitigation measures recommended in the evidence of by Mr Curtis (mobile sprinklers, setting of wind speed values etc).*
- *A condition requiring TIL to undertake continuous noise monitoring at external boundaries to ensure ongoing compliance with WDC noise requirements during daytime and night-time hours. This data should be easily accessible by stakeholders inclusive of those adjoining the mine site.*
- *Inclusion of conditions of consent to require those mitigation measures requested within the Cultural Evidence of Mr King.*

Attachment 3: Aerial Imagery



Aerial Imagery 2012-2013- Source: Toitu te Whenua Land Information NZ



Aerial Imagery 2024- Source: Waikato Regional Council- date printed: 26 July 2024

Attachment 4: 2013 Consent Documentation

- A127 (Change to Conditions) 2013 Updated Resource Consent Conditions for Mining Works within Central and Southern Blocks
- NZ Steel- Taharoa Ironsand Mine Assessment of Environmental Effects- Addendum, 9 January 2013

Schedule

That Schedule Two of resource consents 100902, 100903, 100904, 100905, 100906, 100908, 100909, 100910, 111002, be changed as follows

Schedule Two – General Conditions

The granting of resource consent numbers 100899, 100900, 100901, 100902, 100903, 100904, 100905, 100906, 100908, 100909, 100910 and 111002 are subject to the following general conditions that shall apply to each individual consent. Where there may be differences or apparent conflict between the general conditions and conditions contained in either the individual consents contained within this suite, or any other consent referred to below, the conditions contained in the respective individual consents shall prevail.

1 Site Management

- (i) The activity shall be carried out in general accordance with the application for this resource consent and the document titled "New Zealand Steel – Assessment of Environmental Effects, Taharoa Ironsand Mine, July 2002" and the application for variation of conditions titled "New Zealand Steel – Taharoa Ironsand Mine Assessment of Environmental Effects – Addendum ,9 January 2013" except where otherwise identified in subsequent conditions of this consent.
- (ii) The consent holder shall ensure that all areas, structures and activities authorised by consents 100899, 100900, 100901, 100902, 100903, 100904, 100905, 100906, 100908, 100909, 100910 and 111002 are constructed and managed in accordance with current accepted engineering practices.
- (iii) The consent holder shall ensure that when ever relevant, all staff and contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.

Complaints Register

- 2 The consent holder shall maintain and keep a complaints register for complaints regarding all aspects of operations at the site related to the exercise of this consent, received by the consent holder. The register shall record:
 - (a) the date, time and duration of the event that has resulted in a complaint,
 - (b) the location of the complainant when the event/incident (if possible, specify nature of incident) was detected,
 - (c) the possible cause of the event/incident,
 - (d) the weather conditions and wind direction at the site when the event/incident allegedly occurred,
 - (e) any corrective action undertaken by the consent holder in response to the complaint/incident,
 - (f) where relevant, the steps to be taken in future to prevent recurrence of similar events,
 - (g) any other relevant information.

The register shall be available to the Waikato Regional Council at all reasonable times. Complaints received by the consent holder that may indicate non-compliance with the conditions of this resource consent shall be forwarded to the Waikato Regional Council in writing within 24 hours of the complaint being received.

Review

- 3 The Waikato Regional Council may during March to June inclusive 2007, March to June inclusive 2009, March to June inclusive 2011 and March to June inclusive 2015 serve notice on the consent holder under section 128 (1) of the Resource Management Act 1991, of its intention to review the conditions of these resource consents for the following purposes:
- (a) to review the effectiveness of the conditions of these resource consents in avoiding or mitigating any adverse effects on the environment and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions; or
 - (b) if necessary and appropriate, to require the holder of this resource consent to adopt the best practicable option to remove or reduce adverse effects on the surrounding environment due to the discharge of groundwater and/or stormwater to surface water or the discharge of contaminants to air; or
 - (c) to review the performance of the Wainui Stream fish pass and any current or required mitigation measures relating to the fish pass, including its total replacement.
 - (d) to review the adequacy of and the necessity for monitoring undertaken by the consent holder in light of previous monitoring and/or changes in site operations; or
 - (e) To take account of any changes to the Waikato Regional Council's Regional Plans or Policies; and
 - (f) To recognise and provide for the relationship that tangata whenua have with their ancestral water, sites and waahi tapu and other taonga and to have particular regard to Kaitiakitanga.

Note: Costs associated with any review of the conditions of this resource consent will be recovered from the consent holder in accordance with the provisions of section 36 of the Resource Management Act 1991.

Administrative

- 4 The consent holder shall pay to the Waikato Regional Council any administrative charge fixed in accordance with section 36 of the Resource Management Act 1991, or any charge prescribed in accordance with regulations made under section 360 of the Resource Management Act.

Responsibly for operations

- 5 The consent holder shall be responsible for all sub-contracted operations related to the exercise of this resource consent, and must ensure sub-contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.

Operation of Machinery

- 6 All machinery operated shall be operated in a manner which ensures that spillages of fuel, oil and similar contaminants are prevented as far as practicable from entering any perennial waterbody, particularly during refuelling and machinery servicing and maintenance. Refuelling and lubrication activities shall be carried out away from any water body such that any spillage can be contained so it does not enter stormwater drainage systems or surface watercourses.

7 Responsibility for Structural Integrity, Erosion Control and Maintenance

- (i) The consent holder shall be responsible for the design, structural integrity and maintenance of the sand mining areas, batters, overburden disposal areas, stockpiles, earthworks, tracking and any associated works within the site and for any erosion control works that become necessary to preserve the integrity and stability of the landscape and/or to control

erosion as a result of the exercise of this resource consent and shall be solely responsible to ensure that any damage to natural watercourses is remedied.

- (ii) The consent holder shall ensure that sediment losses to natural water arising from the exercise of this resource consent are minimised during any construction works and during the term of this consent. To this end, appropriate sediment control practices shall be undertaken which are in general accordance with the document prepared by the Waikato Regional Council titled "Erosion and Sediment Control – Guidelines for Soil Disturbing Activities" dated 2003. Also, in this regard, sediment minimisation plans, including measurable criteria, shall be included within the Water Management Plan required pursuant to condition 9(i) of this schedule.
- (iii) Any bare surfaces that result from mining activity shall be re-vegetated in an appropriate manner consistent with the Site Rehabilitation Plan required pursuant to condition 8(ii) of this schedule.

8. Landscape and Rehabilitation

- (i) The consent holder shall rehabilitate all disturbed land. To this end, the consent holder shall develop a Conceptual Site Closure Plan no later than 12 months following the commencement of this consent. This plan shall be forwarded to the Waikato Regional Council. The consent holder shall review and update the plan during 2007 and 2011 and within 6 months of any decision to cease mining at the site. The revised Conceptual Site Closure Plan shall be forwarded to the Waikato Regional Council for review and approval by the Waikato Regional Council, acting in a technical certification capacity. The scope of the Conceptual Site Closure Plan shall apply to the Taharoa Ironsand Mine area. As a minimum, the Conceptual Site Closure Plan shall address the following:
 - (a) Future landforms following all mining activities at the site,
 - (b) Future groundcover following all mining activities at the site,
 - (c) Reporting procedures, and
 - (d) Review procedures.
- (ii) In addition to the Conceptual Site Closure Plan required pursuant to condition 8(i) of this schedule, the consent holder shall, within 12 months of the commencement of this consent, provide the Waikato Regional Council with a Site Rehabilitation Plan for review and approval by the Waikato Regional Council, acting in a technical certification capacity. The Site Rehabilitation Plan shall detail rehabilitation objectives, goals and success criteria to be followed in order to achieve the future landforms and groundcovers detailed within the Conceptual Site Closure Plan. The scope of the Site Rehabilitation Plan shall apply to the Taharoa Ironsand Mine area. The consent holder shall review and update this plan during 2007, 2011 and 2015, within 6 months of a variation of conditions being granted and within 6 months of any decision to cease mining at the site. The revised plan shall be forwarded to the Waikato Regional Council for review and approval by the Waikato Regional Council, acting in a technical certification capacity. As a minimum, the Site Rehabilitation Plan shall include the following:
 - (a) Aspects listed in condition 8(iii) of this schedule,
 - (b) Procedures for progressive rehabilitation of duneland vegetation,
 - (c) Procedures for progressive rehabilitation of any other vegetation,
 - (d) Any specific measures to control erosion,
 - (e) Procedures for pest and weed control,
 - (f) Procedures to establish appropriate indigenous species only within the coastal setback being a minimum of 100m landward of the Mean High Water Springs
 - (g) Land and vegetation maintenance procedures,
 - (h) Post closure maintenance methods and after care plans,
 - (i) Approximate timeframes for landscape and rehabilitation events,

- (j) Approximate costs associated with the implementation of this plan to the stage of conceptual site closure,
 - (k) Monitoring procedures,
 - (l) Reporting and review procedures.
- (iii) The rehabilitation of the Taharoa Ironsand Mine area shall be undertaken such that;
- (a) Where appropriate, and where subsoils and topsoils are available, these shall be used for rehabilitation and the land shall be managed to actively develop stable topsoil mantles generally consistent with topsoils on adjacent areas of land unaffected by mining.
 - (b) Where practical the rehabilitated land cover is generally consistent with that on adjacent land unaffected by mining.
 - (c) The quality of the water discharging from the rehabilitated land is consistent with that discharging from adjacent catchments unaffected by mining .
- (iv) The rehabilitation of the Taharoa Ironsand Mine area shall be undertaken in accordance with the Site Rehabilitation Plan required pursuant to condition 8(ii) of this schedule and shall be implemented under the supervision of persons with appropriate sand dune restoration or rehabilitation experience.
- (v) Any bare surfaces that result from mining activity shall be re-vegetated in an appropriate manner consistent with the Site Rehabilitation Plan required pursuant to condition 8(ii) of this schedule.
- (vi) With respect to the eventual transfer of management of rehabilitated land to Taharoa C Incorporated, the liabilities of the consent holder in relation to any specific area of land subject to these consents shall only cease when confirmed in writing by the Waikato Regional Council in reference to specific site plans, as provided by the consent holder for this purpose.

9 Water Management Plan

- (i) The consent holder shall retain an appropriately qualified and experienced person to develop a Water Management Plan to achieve compliance with the conditions of these consents and to ensure the effects on the surrounding environment are minimised as a result of exercising these consents. This plan shall be developed in consultation with the Waikato Regional Council and shall be reviewed and approved by the Waikato Regional Council, acting in a technical certification capacity within 6 months following the commencement of this consent. Following approval by the Waikato Regional Council, the consent holder shall implement this plan. The consent holder shall review and update this plan during 2007 and 2011, within 6 months of a variation of conditions being granted and within 6 months of any decision to cease mining at the site. The revised plan shall be forwarded to the Waikato Regional Council for review and approval by the Waikato Regional Council, acting in a technical certification capacity. Following approval by the Waikato Regional Council, the consent holder shall implement the revised plan. As a minimum, the Water Management Plan shall include the following;
- (a) Procedures which will be followed to meet the water discharge quality conditions of consent 100899, 100900, 100908 and 100909.
 - (b) Construction, implementation, operational, monitoring, maintenance and contingency procedures to be followed to minimise sediment losses to natural water while conducting general mining activities including;
 - earthworks,
 - tracking,
 - haul road construction,
 - overburden disposal,

- vegetation removal, and
- diversions of stormwater and seepage (including that from rehabilitated areas).

- (c) Reporting procedures, and
 (d) Plan review procedures.

10 Spill Prevention and Response Plan

- (i) To minimise the possibility of contamination of water, the consent holder shall develop a Spill Prevention and Response Plan for the Taharoa Ironsand Site. As a minimum the Plan shall address the following matters
- (a) a list of hazardous materials kept on site and storage details,
 - (b) means of measuring or estimating the loss of contaminants used at each site
 - (c) the spill prevention measures that will be undertaken on site,
 - (d) the equipment available to contain and/or remove spills
 - (e) the training staff will receive in the use of spill prevention and clean up measures and associated equipment,
 - (f) how the disposal of contaminated materials will be undertaken, and
 - (g) the procedures involved in reporting of any such incidents to the Waikato Regional Council.
- (ii) Within six months of the commencement of this consent, the Plan described in condition 10(i) above shall be submitted to the Waikato Regional Council for comment, acting in a technical certification capacity. Following receipt of any comment, and subject to that comment, the Plan shall be implemented at all sites within the control of the consent holder, and where there is any risk of discharge of contaminants to water.
- (iii) Prior to their implementation, any changes to the Plan shall be confirmed in writing by the consent holder following consultation with the Waikato Regional Council.
- (iv) The consent holder shall notify the Waikato Regional Council as soon as practicable, and as a minimum requirement within 12 hours, of the consent holder becoming aware of a spill of fuel, oil, or other similar contaminants to any water body, where that spillage has a visible impact on a water body. The consent holder shall, within 7 days of the incident occurring, provide a written report to the Waikato Regional Council, identifying the possible causes, steps undertaken to remedy the effects of the incident and measures that will be undertaken to avoid future spills.

11 Management and Action Plans

- (i) The consent holder shall provide to the Waikato Regional Council the following plans prepared in accordance with conditions 8, 9 and 10 in Schedule Two:

- Landscape and Rehabilitation Plan
- Water Management Plan
- Spill Prevention and Response Plan

Referred collectively in condition 11 (ii) to (vii) as the Plans

- (ii) Subject to any other conditions of these consents, all activities shall be undertaken in accordance with the latest version of the Plans
- (iii) The Plans shall be reviewed annually by the consent holder and any be amended accordingly to take into account:
- Any recommendations of the Waikato Regional Council
 - Any required actions identified as a result of monitoring under these consents
 - Any changes required as a result of actions identified in the Annual Works Plans

- (iv) The Plans shall not be amended in a way that contravenes the objectives set out for the respective Plans in accordance with conditions 8, 9 and 10.
- (v) The consent holder shall report annually in the Annual Monitoring Report to the Waikato Regional Council on compliance with the Plans.
- (vii) A copy of the latest version of the Plans shall be kept on site at all times and all key personnel shall be made aware of each Plans' contents.

12 Tangata Whenua

- (i) The consent holder shall make all efforts to avoid culturally significant sites. All sites shall be managed in accordance with Taharoa Mine Site Safety & General Procedures – Discovery of Human Remains and/or Items of Cultural Significance –TM-4000.110. In addition, in the event that any archaeological remains are discovered, the works shall immediately cease in the vicinity of the discovery and the Waikato Regional Council, iwi and the Historic Places Trust shall be notified within 48 hours. Works may recommence with the written approval of the Waikato Regional Council. Such approval is subject to:
 - (a) Tangata Whenua interests and values,
 - (b) the consent holder's interests, and
 - (c) any archaeological or scientific evidence.

13 Communication

- (i) The consent holder shall invite interested parties to meetings to provide feedback and comment on issues related to the operation of the mine. These meetings shall be convened no less than once every year for the first three years and thereafter at intervals determined by the consultation meetings or, in the event of disagreement, by the Waikato Regional Council. In relation to this condition, interested parties shall include; Taharoa C Incorporated, Taharoa Lake Trustees, Tukotahi Tuteao Trust, Department of Conservation and other stakeholders in the local community. Minutes recording attendance, main topics of discussion and any outcomes shall be forwarded to the Waikato Regional Council within 20 working days of any meeting required by this consent condition.

14 Monthly Reporting

- (i) The consent holder shall prepare and forward to the Waikato Regional Council a monthly report by the 5th day of the calendar month (following monitoring), setting out the results of the monitoring required pursuant to condition 5 of 100905, condition 5 of 100906 and condition 8 of 100906. The report shall also include;
 - (a) Details and records of water abstracted from the Wairui Stream
 - (b) Details and records of wastewater discharge into the Tasman Sea and onto land.
 - (c) Water levels in Lake Taharoa and rainfall data
 - (d) Any difficulties in achieving compliance with any conditions contained this consent,
 - (e) The reasons for any such difficulties,
 - (f) Any maintenance works which are necessary, proposed or have been carried out, and the results of this work.

15 Annual Monitoring Report

- (i) The consent holder shall prepare and submit to the Waikato Regional Council an Annual Monitoring Report by 1 August each year that the consent is current. The monitoring period to be included in each report shall be for the 12 month period ending 30 June. A copy shall also be provided to the Department of Conservation, Taharoa C Incorporated, Taharoa Lake Trustees and the Tukotahi Tuteao Trust.

- (iii) As a minimum the Annual Monitoring Report shall:
- a. Detail all environmental monitoring undertaken;
 - b. Summarise all the data required to be collected by these consents. This should include graphical presentation, statistical summations of monitoring data and critically analyse the information in terms of compliance and environmental effects.
 - c. Highlight and discuss any important environmental trends.
 - d. Details on rehabilitation works undertaken in the previous 12 month period as well as proposed rehabilitation works for the following 12 month period.
 - e. Any reasons for non-compliance or difficulties in achieving compliance with the conditions of these consents and measures adopted to rectify problems.
 - f. List any works that have been undertaken to improve the environmental performance of the site or that are proposed to be undertaken in the up-coming year.
 - g. Recommendations on alterations to the monitoring required, and a review of the monitoring site locations and recommended changes (if any) that would result in improved environmental performance.
 - h. A review of the mining operations in light of monitoring results to identify any changes in the operation that would result in improved environmental performance.
 - i. Report on and discuss any complaints received regarding the operation of the quarry.
 - j. Report on and discuss feedback received from any consultation meetings held with interested parties.
 - k. Any other issues considered important by the consent holder.

16 Performance Bond

- (i) Within 6 months of the commencement of this consent the consent holder shall provide and maintain in favour of the Waikato Regional Council a bond or bonds to:
- a. secure the compliance by the Consent Holder with the conditions of these consents;
 - b. secure the completion of rehabilitation and closure in accordance with the Rehabilitation Management and Mine Closure Plans; and
 - c. enable the Consent Authorities to monitor any adverse effect on the environment that may arise from the exercise of the consent including monitoring anything which is to be done to avoid, remedy, or mitigate an adverse effect.
 - d. Operation and maintenance of stormwater treatment systems on the site to ensure that discharges meet the resource consent requirements;
 - e. Removal of the Wainui Stream dam (if required), any associated rehabilitation and any pre-removal assessment of environmental effects, actions or reporting that may be required.
 - f. Removal of infrastructure associated with the Taharoa Iron sand Mine.
- (ii) Notwithstanding condition 16(iv), the Consent Holder shall provide a bond or bonds for the quantum for a minimum term of a three years, such term to be renewed for a minimum of a further three years (or such other term as the parties may agree) on each annual anniversary of the date of commencement of these consents (the 'date of renewal'). The term of the bond shall be renewed until 'Completion of Closure of the Site' in accordance with condition 16(xii).

- (iii) Unless the bond is a cash bond, the performance of the conditions of the bond shall be guaranteed by a guarantor acceptable to the Waikato Regional Council. The guarantor shall bind itself to pay for the carrying out and completion of any condition in the event of any default of the Consent Holder.
- (iv) If the Consent Holder is unable at any time to arrange a guarantor for the quantum as set out in condition 16(ii), the Consent Holder will provide a cash bond or bonds for the quantum within 60 days of the date of the renewal referred to in condition 16(ii).
- (v) The bond shall be in a form acceptable to the Waikato Regional Council, taking into account the ability of the Consent Holder to arrange a guarantor and the guarantor's acceptance of the term of the bond.
- (vi) The bond shall provide that the Consent Holder remains liable under the Resource Management Act 1991 for any breach of these consents which occurs before expiry of these consents and which become apparent during or after the expiry of the relevant consent.
- (vii) The Consent Holder shall provide the Waikato Regional Council with a report which recommends the amount of the initial bond within 90 days from the date of commencement of these consents.
- (viii) The amount of the bond shall be reviewed and fixed by the Waikato Regional Council, within 30 days of receipt of the report required by condition 16(vii) and within 30 days of each annual anniversary of the commencement of these consents. Notification of the amount of the bond under this condition shall be advised by written notice (the "review date") by the Waikato Regional Council to the Consent Holder. In reviewing and fixing the bond the Waikato Regional Council shall take into account any calculations and other matters submitted in the Rehabilitation Management Plan, Mine Closure Plan, or otherwise, by the Consent Holder which relevant to the determination of the bond amount. Any calculation or estimate of the costs of the bond or bonds required by Condition 16(i) shall be prepared by an independent advisor, with expertise in mining bond calculation, mutually acceptable to the Consent Holder and the Waikato Regional Council and shall be supplied to the Waikato Regional Council at least by the annual anniversary of the commencement of these consents.
- (ix) Should the Consent Holder not agree with the amount of the bond fixed by the Waikato Regional Council under condition 16(viii), then the matter shall be referred to arbitration in accordance with the provisions of the Arbitration Act 1996. Arbitration shall be commenced by written notice ("notice of arbitration") by the Consent Holder to the Consent Authorities advising that the amount of the bond is disputed, such notice to be given within 14 days of the review date under condition 16(viii). If the parties cannot agree upon an arbitrator within 7 days of the notice of arbitration, then an arbitrator shall be appointed by the President of the Institute of Professional Engineers of New Zealand. Such arbitrator shall give an award in writing to the parties within 30 days after his or her appointment (the "date of arbitration decision"), unless the parties agree that the date of arbitration decision shall be extended. The Consent Holder shall bear the full and reasonable costs of the parties in connection with this arbitration. In all other respects, the provisions of the Arbitration Act 1996 shall apply. Pending the outcome of that arbitration, and subject to condition 16(x), the existing bond shall continue in force. That sum shall be adjusted in accordance with the arbitration decision.
- (x) If the decision of the arbitrator is not made available by the date of arbitration decision referred to in condition 16(ix), then the amount of the bond shall be the sum fixed by the Consent Authorities under condition 16(viii), until such time as the arbitrator does give an award in writing to the parties. At that time, the amount of the bond shall be adjusted in accordance with the arbitration decision.

(xi) The bond may be varied, cancelled, or renewed at any time by agreement between the Consent Holder and the Consent Authorities provided that cancellation will not be agreed to unless a further or new bond acceptable to the Consent Authorities is available to replace immediately that which is to be cancelled.

(xii) The Consent Authorities shall release the bond on the Completion of Closure of the Site.

"Completion of Closure of the Site" means rehabilitation of the Site such that conditions (a) to (d) below have been demonstrated by the Consent Holder, to the satisfaction of the Waikato Regional Council:

(a) Rehabilitation

Closure of the Taharoa Iron Sand Mine shall be achieved when the vegetation within each major landform is self-sustaining and it is demonstrated that these closure aims have been achieved and maintained for a minimum period of 5 years.

(b) Water Quality

The quality of the water discharging from the rehabilitated land is consistent with that discharging from adjacent catchments unaffected by mining.

(c) Landforms

To ensure a stable landform upon completion of the mining works.

(d) Compliance with Conditions

Compliance with all other conditions of these consents can be demonstrated at the time of Completion of Closure of the Site

(xiii) All costs relating to the bond shall be paid by the Consent Holder.

(xiv) The Consent Holder shall not exercise or shall cease to exercise these consents if:

a. Notice of arbitration has not been given under condition 16(ix), and the bond quantum required under condition 16(viii) has not been provided to the Waikato Regional Council within 30 days of the review date referred to in condition 16(viii); or

b. Notice of arbitration has been given under condition 16(ix), and
i. the bond quantum determined by arbitration has not been provided to the Waikato Regional Council within 30 days of the date of arbitration decision referred to in condition 16(ix); or
ii. in accordance with condition 16(x), the bond quantum fixed under condition 16(viii) has not been provided to the Consent Authorities within 40 days of the appointment of the arbitrator referred to in condition 16(ix); whichever occurs first; or

c. The term of the bond has not been renewed for a further term in accordance with condition 16(ii), unless a cash bond has been provided to the Waikato Regional Council in accordance with condition 16(iv).

(xv) Section 109 of the Resource Management Act 1991 shall apply to any bond.

(xvi) Where a cash bond is paid the interest which is earned on the deposit shall accrue to the Waikato Regional Council and when the deposit is repaid to the Consent Holder the Consent Holder shall be entitled to receive all interest (less resident withholding tax and any bank fees) together with the deposit sum unless the Waikato Regional Council has had

to use the deposit sum (or part of it) in remedying any non-compliance with this consent, in which case the Waikato Regional Council will provide the Consent Holder with a full breakdown of interest earned and the costs of remedying the non-compliance.

Schedule

That Schedule 1 – Common Conditions of resource consents 122562, 122563, 122564, 122565, 122566, 122567 and 122568 be changed as follows:

Schedule 1 – Common Conditions

The granting of resource consents 122562, 122563, 122564, 122565, 122566, 122567 and 122568 is subject to the following conditions, which shall apply to each individual consent. Where there are differences or apparent conflict between the common conditions and conditions contained in either the individual consents contained within this suite, or any other consent referred to below, the conditions contained in the respective individual consents shall prevail.

Site Management

- 1 (i) The activity shall be carried out in general accordance with the application for this resource consent, and the Tonkin and Taylor Ltd document titled "New Zealand Steel Ltd – Taharoa Mooring Relocation and Pipeline Extension and Replacement and Assessment of Effects on the Environment, March 2011" (including 17 March 2011 amendment), and the application for variation of conditions titled "New Zealand Steel – Taharoa Ironsand Mine Assessment of Environmental Effects – Addendum, 9 January 2013" except where otherwise identified in subsequent conditions of this consent.
- 1 (ii) The consent holder shall ensure that all structures and activities authorised by resource consents 122562, 122563, 122564, 122565, 122566, 122567 and 122568 are constructed and maintained in accordance with current accepted engineering practices.
- 1 (iii) The consent holder shall ensure that whenever relevant, all staff and contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.

Complaints Register

- 2 The consent holder shall maintain and keep a complaints register for complaints regarding all aspects of operations at the site related to the exercise of this consent, received by the consent holder. The register shall record:
 - (a) the date, time and duration of the event that has resulted in a complaint,
 - (b) the location of the complainant when the event/incident (if possible, specify nature of incident) was detected,
 - (c) the possible cause of the event/incident,
 - (d) the weather conditions and wind direction at the site when the event/incident allegedly occurred,
 - (e) any corrective action undertaken by the consent holder in response to the complaint/incident,
 - (f) where relevant, the steps to be taken in future to prevent recurrence of similar events,
 - (g) any other relevant information.

The register shall be available to the Waikato Regional Council at all reasonable times. Complaints received by the consent holder that may indicate non-compliance with the conditions of this resource consent shall be forwarded to the Waikato Regional Council in writing within 24 hours of the complaint being received.

Notification

- 3 The Hydrographic Office of Land Information New Zealand and Maritime New Zealand shall be given written notice of the location of the structures authorised by this resource consent prior to the exercise of this consent.

Environmental Protection

- 4 The consent holder shall be responsible for implementing the best practicable option so as to minimise damage to the foreshore, seabed and surrounding environment.

Structural Integrity

- 5 The consent holder shall maintain the structure so that no part of the structure is lost (e.g. breaks loose due to water, wind or wave action) or results in a navigational hazard. Any material that is lost from the structure shall, as soon as possible, be retrieved by the consent holder. Should the material lost be a hazard to navigation the Maritime New Zealand or such other appropriate body shall be immediately informed.
- 6 The consent holder shall be responsible for the structural integrity and maintenance of the structures and for any works that become necessary to preserve the integrity and stability of the structures and/or to control erosion as a result of the exercise of this resource consent.

Note: Separate resource consent may be required as a result of the need to undertake further works. Any such consent shall be obtained by the consent holder at their sole expense prior to any works being undertaken

Responsibility for Operations

- 7 The consent holder shall be responsible for all sub-contracted operations related to the exercise of this resource consent, and must ensure sub-contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.

Operation of Machinery

- 8 All machinery shall be operated in a manner that ensures that spillages of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery servicing and maintenance. Refuelling and lubrication activities shall be carried out away from any water body such that any spillage can be contained so it does not enter the Coastal Marine Area or any waterway. For lubrication activities taking place at the buoy, these shall be carried out in such a way as to prevent any spillage into the Coastal Marine Area.

Tangata Whenua

- 9 The consent holder shall make all efforts to avoid culturally significant sites. All sites shall be managed in accordance with Taharoa Mine Site Safety & General Procedures – Discovery of Human Remains and/or Items of Cultural Significance –TM-4000.110. In addition, in the event that any archaeological remains are discovered, the works shall immediately cease in the vicinity of the discovery and the Waikato Regional Council, iwi and the Historic Places Trust shall be notified within 48 hours. Works may recommence with the written approval of the Waikato Regional Council. Such approval is subject to:
 - (a) Tangata Whenua interests and values,
 - (b) the consent holder's interests, and
 - (c) any archaeological or scientific evidence.

Annual Monitoring Report

- 10 (i) The consent holder shall prepare and submit to the Waikato Regional Council an Annual Monitoring Report by 1 August each year that the consent is current. The monitoring period to

be included in each report shall be for the 12 month period ending 30 June. A copy shall also be provided to the Department of Conservation, Taharoa C Incorporated, Taharoa Lake Trustees and the Tukotahi Tuteao Trust.

10 (ii) As a minimum the Annual Monitoring Report shall:

- a. Detail all environmental monitoring undertaken;
- b. Summarise all the data required to be collected by these consents. This should include graphical presentation, statistical summations of monitoring data and critically analyse the information in terms of compliance and environmental effects.
- c. Highlight and discuss any important environmental trends.
- d. Details on rehabilitation works undertaken in the previous 12 month period as well as proposed rehabilitation works for the following 12 month period.
- e. Any reasons for non-compliance or difficulties in achieving compliance with the conditions of these consents and measures adopted to rectify problems.
- f. List any works that have been undertaken to improve the environmental performance of the site or that are proposed to be undertaken in the up-coming year.
- g. Recommendations on alterations to the monitoring required, and a review of the monitoring site locations and recommended changes (if any) that would result in improved environmental performance.
- h. A review of the mining operations in light of monitoring results to identify any changes in the operation that would result in improved environmental performance.
- i. Report on and discuss any complaints received regarding the operation of the quarry.
- j. Report on and discuss feedback received from any consultation meetings held with interested parties.
- k. Any other issues considered important by the consent holder.

Review

11 The Waikato Regional Council may during March to June inclusive 2015 serve notice on the consent holder under section 128(1) of the Resource Management Act 1991, of its intention to review the conditions of these resource consents for the following purposes:

- (a) to review the effectiveness of the conditions of these resource consents in avoiding or mitigating any adverse effects on the environment and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions; or
- (b) if necessary and appropriate, to require the holder of this resource consent to adopt the best practicable option to remove or reduce adverse effects on the surrounding environment due to the discharge of stormwater to surface water; or
- (c) to review the adequacy of and the necessity for monitoring undertaken by the consent holder in light of previous monitoring and/or changes in site operations; or
- (d) To take account of any changes to the Waikato Regional Council's Regional Plans or Policies; and
- (e) To recognise and provide for the relationship that tangata whenua have with their ancestral water, sites and waahi tapu and other taonga and to have particular regard to Kaitiakitanga.

Note: Costs associated with any review of the conditions of this resource consent will be recovered from the consent holder in accordance with the provisions of section 36 of the Resource Management Act 1991.

Administrative

- 12 The consent holder shall pay to the Waikato Regional Council any administrative charge fixed in accordance with section 36 of the Resource Management Act 1991, or any charge prescribed in accordance with regulations made under section 360 of the Resource Management Act.

Schedule

That resource consent 100905 be changed as follows

1. The exercise of this consent is subject to the General Conditions listed in Schedule Two.
2. This consent shall not be exercised during the exercise of consent 100906. The daily volume taken shall not exceed 27,200 cubic metres unless this consent is exercised concurrently with resource consent 100906 when the maximum combined abstraction volume shall not exceed 75,000 cubic metres per day
3. The level of Lake Taharoa shall not be drawn below R.L. 8.53 metres a.s.l as a result of the exercise of this consent.
4. The consent holder shall notify the Waikato Regional Council in writing within 48 hours in the event that the water level within Lake Taharoa drops below RL 9m.
5. The consent holder shall record the daily volume of water taken by using a water meter. Water meter records shall be made available to the Waikato Regional Council at all reasonable times and shall be forwarded to the Waikato Regional Council each month or at any interval requested by the Council.
6. The water flow meter shall have a reliable calibration to water flow which shall be maintained to an accuracy of +/- 5%. Access to the meter shall be provided to Waikato Regional Council staff at all reasonable times.
7. The consent holder shall forward written evidence of the meter's calibration to water flow and accuracy to +/- 5% shall be provided to the Waikato Regional Council by 1 August each year or when requested in writing by the Waikato Regional Council.
8. The intake structure shall be designed and constructed so that the migration of fish is not compromised or adversely affected in any way due to the placement of the intake. The design of the intake structure shall be forwarded to the Waikato Regional Council for approval acting in a technical certification capacity within 3 months of exercising this consent.
9. The consent holder shall ensure that the intake velocity does not exceed 0.3 metres per second at all times. If so requested by the Waikato Regional Council, the consent holder shall provide whatever information deemed necessary by the Waikato Regional Council to determine that the intake velocity does not exceed 0.3 metres per second.

Schedule

That resource consent 100906 be changed as follows

1. The exercise of this consent is subject to the General Conditions listed in Schedule Two.
2. Water abstraction authorised by this consent shall not exceed the annual maximum of 3,000,000 m³ of water.
3. This consent shall not be exercised during the exercise of consent 100905. The daily volume taken shall not exceed 75,000 cubic metres. If this consent is exercised concurrently with resource consent 100905, the maximum combined abstraction volume shall not exceed 75,000 cubic metres per day.
4. The consent holder shall notify the Waikato Regional Council in writing within 48 hours in the event that the water level within Lake Taharoa drops below RL 9 m.
5. The consent holder shall record the daily volume of water taken by using a water meter. Water meter records shall be made available to the Waikato Regional Council at all reasonable times and shall be forwarded to the Waikato Regional Council each month or at any interval requested by the Council.
6. The water flow meter shall have a reliable calibration to water flow which shall be maintained to an accuracy of +/- 5%. Access to the meter shall be provided to Waikato Regional Council staff at all reasonable times by the Waikato Regional Council.
7. The consent holder shall forward written evidence of the meter's calibration to water flow and accuracy to +/- 5% shall be provided to the Waikato Regional Council by 1 August each year or when requested in writing.
8. The intake structure shall be designed and constructed so that the migration of fish is not compromised or adversely affected in any way due to the placement of the intake. The design of the intake structure shall be forwarded to the Waikato Regional Council for approval acting in a technical certification capacity 3 months of exercising this consent.
9. The consent holder shall ensure that the intake velocity does not exceed 0.3 metres per second at all times. If so requested by the Waikato Regional Council, the consent holder shall provide whatever information deemed necessary by the Waikato Regional Council to determine that the intake velocity does not exceed 0.3 metres per second.



New Zealand Steel Taharoa Ironsand Mine



Assessment of Environmental Effects - Addendum

9 January 2013

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Appendix E – Schematic of Water Cycle for Proposed Mining Operations

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Appendix H – Water Take records (ship loading and mining) 2007 to 2012

1 Introduction

1.1 Background

NZ Steel is proposing changes to the mining operation at the Taharoa mine site to allow for greater production of ironsand to meet international demand. The proposed changes to the mining operation include using a combination of two mining processes (dry mining process and/or wet mining process). Changes will be increased gradually over time, such that either method maybe used or combination of both.

The proposed changes will mean annual production rates can be increased. Water use efficiencies, recycling and reuse throughout the process mean the mine will be able to continue to operate within existing consented limits and therefore any potential environmental effects are anticipated to be no greater than what the current suite of resource consents already permits to occur.

This report has been prepared as an addendum to the “*New Zealand Steel – Assessment of Environmental Effects, Taharoa Ironsand Mine, July 2002*” report (AEE 2002 report), and to the “*New Zealand Steel Ltd – Taharoa Mooring Relocation and Pipeline Extension and Replacement and Assessment of Effects on the Environment, March 2011*” report (AEE 2011 report) and should be read in conjunction with those reports.

1.2 Summary of Proposed Changes

In summary, the proposed changes to the operation at Taharoa include:

- Progressively increasing annual mined ironsand volumes over time, within current consented water take and discharge limits.
- Establishing flexibility to use the current and/ or alternative mining method described in this addendum, within the current consented water take and discharge limits.
- Providing for the future use of flocculants if required to optimise water recycling.

1.3 Existing Consents

NZ Steel currently holds 17 resource consents granted by Waikato Regional Council (WRC) that authorise a range of activities relating to ironsand extraction operations at the Taharoa mine site, situated in the Industrial zone of the Waitomo District Plan. A summary of the consents is provided in Appendix A.

NZ Steel also holds duplicates of two coastal discharge consents (Permits 100899 and 100900 are duplicated by Permits 122566 and 122567 respectively). The duplicates were re-issued under the AEE 2011 report, which was submitted as part of the proposed extension of the undersea pipeline project. Once this pipeline project is complete, NZ Steel will surrender the 2006 consents (Permits 100899 and 100900).

No resource consents were required under the Waitomo District Plan as mining is a permitted activity under the Industrial zoning rules.

1.4 Requested Changes and Consents Sought

Permit 100905 enables 27,000m³ to be taken per day for mining purposes. Permit 100906 enables 75,000m³ to be taken per day for shiploading (up to an annual maximum of 3,000,000m³). The consents cannot be exercised at the same time. There is a potential that this may be read as suggesting that mining operations cannot occur at the same time as shiploading. That has never been the intention or practical reality (the consents only prevent taking water for mining operations purposes at the same time as water is being taken for shiploading purposes). Further, new on-site practices mean that some of the 75,000m³ water is no longer required for shiploading purposes. NZ Steel is seeking to use any remaining water for mining purposes, within all other existing consent limits. The overall outcome is that globally the operations at Taharoa will continue within existing consented limit: 27,000m³ per day for mining operations generally, but 75,000m³ per day for (i) shiploading and (ii) mining operations while shiploading is occurring. To provide for the changes to the operation of the mine, this report has been prepared to support an application for:

- A change to Condition 1 of the general conditions, set out in Schedule 2, for the regional resource consents granted in 2006 (Consents 10899-111002), under Section 127 of the RMA, to incorporate the description of the dry mining process as described in this report.
- A change to Condition 1 of the common conditions, set out in Schedule 1, for the regional coastal consents granted in 2011 (Consents 122562 – 122568), under Section 127 of the RMA, to incorporate the description of the dry mining process as described in this report.
- A change to Condition 3 of 100906, under Section 127 of the RMA, to allow water taken during shiploading to be used primarily for shiploading, with any additional water up to a maximum of 75,000m³/day able to be used for operational purposes.
- A groundwater consent, to provide for the diversion of infiltrated runoff, infiltrated tailings water and groundwater from the mining area. This is considered a Discretionary activity, under Section 3.3.3 Policy 10(g)(i) and Rule 3.3.4.24(4) of the Waikato Regional Plan.

In addition to the above, a landuse consent has been lodged with the Waitomo District Council for the new spirals separation building under the district plan.

No other consents or changes are required.

2 The Proposal

The proposal is to reconfigure the mining operation at Taharoa in order to increase production of ironsand to meet international demand. The proposed changes would increase the volume of saleable product by re-introducing dry mining techniques to complement the current wet mining operation. The number of ship loads per year will increase to match production. The current and proposed operations are shown schematically in Figures 2 and 3 respectively. Depending on the stage of mining and the mine plan, NZ Steel's mining operations ~~to~~ will from time to time use the current mining methodology, the dry mining method, as described in the following, or both, so long as the environmental effects are appropriately managed.

2.1 Site Location and Overall Mining Plan

The Taharoa mine site is located approximately 150km south of Auckland on the west coast of the North Island, just south of Kawhia Harbour (see Figure 1). NZ Steel holds a mining licence from the Crown and a mining lease from Taharoa C Block Incorporated to mine ironsand deposits over an area of approximately 1300 hectares, stretching from mean high water level to the landowners property boundaries. The area is divided into three main zones; the Northern, Central and Southern, each clearly separated by streams that divide the deposit. The focus of mining efforts is presently in the Central zone, north of the Wainui Stream, and will be supplemented from time to time by mining in the Northern and Southern zones. Further details of the mining operation at Taharoa are set out in Section 3 of the 2002 AEE Report.

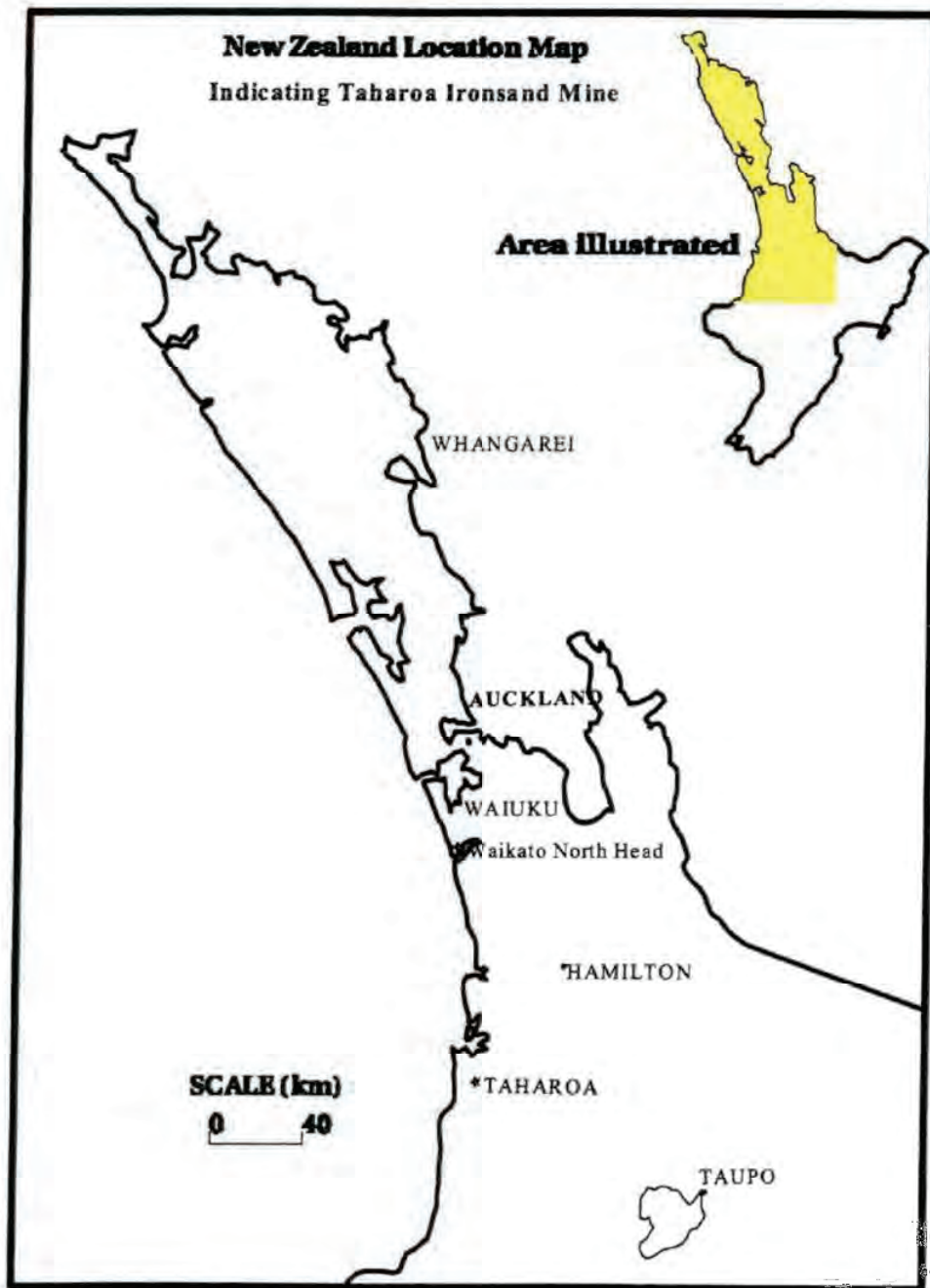


Figure 1. Location of Taharoa Mine (Taken from AEE 2002 Report, Figure 1.1)

2.2 Current Operation

The detailed description of the current operations undertaken at Taharoa Minesite is set out in Section 3 of the AEE 2002 report. A schematic showing the water cycle for the current operation is included in Appendix C of this report. In summary, the current operation, which is based on the wet mining process, includes the following:

- Iron sand is mined using a floating dredge which pumps sand slurry from the Operations Pond to a floating wet plant processing facility (concentrator plant). Dry mining techniques are periodically used to supplement wet mining as described in Section 3.1.1 of the AEE 2002 report.
- The concentrator plant processes the sand using a five stage separation process.
- Water from the Wainui Stream is used in the process to separate the irons and concentrate from the raw sand. A dam, constructed in accordance with consent conditions, provides a water supply reservoir for the process.
- Excess water from the process is returned to the Operations Pond for reuse.
- The Operations Pond is maintained at a constant depth, and where required make up water is pumped into the pond from the concentrate stockpile recycling ponds and Wainui Stream reservoir.
- Once the product has been separated, it is piped to stockpiles and eventually loaded onto ships in a slurry form via belt conveyors and undersea pipelines for transportation to international customers. The undersea pipelines were recently extended a further 500m into the Coastal Marine Area (CMA), as detailed in the AEE 2011 report. Water from the reservoir is used to form the slurry. The slurry is decanted once it is deposited on the ship, and excess water is discharged to sea.
- Water from the concentrate stockpiles is collected through a series of recycling ponds, where it is clarified and then returned to the Operations Pond for reuse.
- Tailings from the separation process are used to rehabilitate mined areas. At present the mined areas are within the Central Region.
- Water used in the separation process (slurry water) from the concentrator plant, overflow water from the feed regulating tanks, drainage water from under the stockpiles, run off and infiltrated water from tailings and rainwater is recycled, including through a series of recycle ponds for reuse in the process, either as make up water, or if not required, to water the rehabilitated planted tailings area.
- Potable water for the site is collected from rainwater.
- Stormwater from around the offices and amenities compound is collected and discharged to the Wainui Stream via a silt trap. Stormwater from around the workshop areas is collected and treated via an oil trap prior to discharge to the Wainui Stream.

2.3 Proposed Operation

It is proposed to augment the current mining activities with a dry mining operation and new spirals separation plants, which would be introduced progressively over time as production is increased. The proposal is that one or other or both of these methods is used from time to time depending on production levels and mine geology and economics, noting that both wet mining and dry mining operations have been used throughout with 40 year history of the mine and have demonstrated

acceptable effects. The proposed additions to the mining operations are shown in the figure included in Appendix D, and described below. A schematic of the water cycle for the proposed operation is included in Appendix E.

.Dry Mining Feed Station

Dry mining will be undertaken using dozer traps. Dry mining in the context of the Taharoa Minesite is the use of dozers and other 'dry' equipment to move ironsand material into centralised but moveable traps (dozer traps) and passed to a dozer trap station from which material can be transported to a centralised location for further processing. The process does not involve the dredging of material, such as occurs with wet mining processes. A number of dozers will be able to operate independently at various levels, with each dozer trap station comprising:

- A dozer trap, comprising a receiver hopper with belt conveyer to capture and raise the material to the working height of a slurry tank.
- A slurrification tank to slurry the material to a suitable density for pumping.
- A large slurry pump with variable speed drive and large diameter flexible slurry pipeline, to transport the material to either the Spirals Separation Plant or the existing concentrator plant.

Each dozer trap will excavate within a radius of approximately 75-100m from each dozer trap station. Once the viable area of ironsand surrounding each dozer trap has been mined, the dozer trap station will be moved to another location.

.Spirals Separation Plant

The slurried sand will be pumped to a new Spirals Separation Plant (SSP) where it will be concentrated using gravity separation spirals. This plant will be built in modules staged to deliver full production, currently scheduled for December 2013. The SSP will house the new process equipment and also transformers, switchgear, switchboards and all the necessary electrical and control equipment. The transformers will be located within a fully bunded area, so that in the event that there is a spill, oil will be collected and disposed of appropriately.

.Wastewater Collection System and Water Recycling

A new waste water collection and water recycling system will be constructed as part of the SSP. This will collect water from tank flushing, process water spillage and wash down and pump it to new process water recycling ponds for solids settling and water reuse in slurrification, processing and shiploading.

It is anticipated that the proposed process water recycling ponds will treat the process water to a sufficient standard that allows the recycled water to be directly re-used in the processing systems. However, in the future flocculants may need to be used to assist with sediment settlement which may come about through variations in the amount of alluvial silts in the mine path.

.Make Up Water

Whilst it is anticipated that the majority of the process water will be able to be recycled through the process, any additional water required will be made up with pumped water from:

- Water pumped from the existing dam reservoir in the Wainui Stream, in accordance with the current authorised water taker permit (Consent 100905). This consent allows up to 27,200m³ per day of water to be taken from the Wainui Stream for the purpose of iron sand mining operations;
- Recycled water from the concentrate stockpiles recycling ponds (as described above under existing operation).
- Recycled water from the tailings area (as described below).

.Tailings Disposal and Rehabilitation

Tailings are used to rehabilitate previously mined areas, which are then planted with marram grass to stabilise and then planted with *Pinus radiata*. The Central Zone is currently being rehabilitated as mining progresses with tailings sprayed directly onto the previously mined area (refer Section 3.1.6 of the AEE 2002 report), however at times space for tailings emplacement is constrained by the preference to not emplace tailings over unmined areas.

Going forward tailings will be emplaced both in the current mining area and to reshape and rehabilitate previously mined areas to a profile more consistent with their original topography.

Water recovery and recycling from these tailings areas will be maximised by bunding and collection infrastructure such as pen-stocks, piping, and subsurface collection drains, and settling ponds for treatment before being recycled for use for mining, processing or shiploading.

It is anticipated that the tailings settling ponds will provide sufficient treatment for the tailings water prior to it being reused in the process. However, flocculants may need to be used in the future to assist with sediment settlement.

Opportunities to continuously improve the water efficiency of the site will be pursued, such as for example, potentially slurring tailings at a higher density..

.Shiploading

The process for shiploading will continue to operate as described in Section 3.1.4 of the AEE 2002 report and Sections 2.4 and 3.2.4 of the AEE 2011 report, with the stockpiled iron concentrate being slurried using water from the Wainui Stream reservoir dam, and then pumped to the ship. The deepwater mooring buoy has been moved a further 500m offshore since the AEE was written in July 2002 and is now located buoy 3.5km offshore, as detailed in the AEE 2011 report. As production increases, additional ship(s) will be required for transportation of the ironsand, and this was discussed and assessed in the 2011 AEE report. An additional slurry loading ship is expected to commence trading from Taharoa by October 2013, and potentially additional ship(s) some time later. Any additional ships will be loaded in accordance with the current consent requirements.

3 Assessment of Effects on the Environment

The actual and potential effects on the environment in relation to the proposed changes to the consent conditions are:

- Beneficial economic and social effects
- Hydrological effects
- Coastal effects
- Land disturbance in high risk erosion areas
- Discharge of contaminants to air

3.1 Beneficial Economic and Social Effects

Section 4.8 of the AEE 2002 report sets out the anticipated and real economic and social benefits associated with the Taharoa mine.

The proposed changes to the mining operation will enable increased production to meet international demand, which in turn will significantly contribute to the local, regional and national economies. The proposed changes will increase export revenue in excess of \$250 million. The royalties to the land owner will rise accordingly with increased production and will result in considerable additional income for the Taharoa "C" Block corporation, representing the many Maori owners. In addition, at a local level, this will provide increased job security for the residents of Taharoa village, many who are employed at the site. The work force will increase by over 30%, with the bulk coming from members of the local Maori corporation. This will sustain the Taharoa Village community, with at least 7 new houses and 10 reinstated houses being added back into the town, and consequential additions to the roll of the local school, as well as contributing to the Waitomo District and Waikato Regional economy. Overall, the proposed mining operations will have very positive economic and social effects.

3.2 Hydrological Effects

Hydrological effects associated with the operation of the Taharoa mine are described in detail in Section 4 of the AEE 2002 Report, in particular Section 4.2 describes potential effects associated with water abstraction and Section 4.4 describes potential effects associated with discharges to land.

The proposed mining operation will be undertaken in accordance with the existing consent conditions, and therefore there are not considered to be any hydrological effects over and above that described in the AEE 2002 report. To demonstrate this, a hydrological simulation model has been undertaken of the proposed mining operation, with various scenarios considered. The hydrological simulation model report is provided in Appendix G and demonstrates that with the proposed water efficiencies and recycling proposed and described in Section 2.3 above, the mining operation will be able to be undertaken within the consent requirements.

.Water Supply

At present water required for the wet mining process is sourced from the Wainui Stream. A dam has been constructed, in accordance with Consent 100903, to create a water supply reservoir. NZ Steel is authorised to take up to 27,200m³ of water per day for mining operations, and up to 75,000m³ of water per day for shiploading in accordance with Consents 100905 and 100906. Currently the water take consents cannot be exercised at the same time (effectively limiting water take to use in shiploading processes, and prohibiting the use of water by the concentration plant). Systems are also in place to capture any overflow water, slurry water or stormwater and return it to the Operations Pond for reuse in the process.

Table 1 summarises the monitoring data for the last five years. This shows that NZ Steel is currently operating well within the existing consent limits.

Table 1. Summary of Taharoa Water Take Monitoring

		Lake Taharoa Level (100905 and 100906)	Water Take – Operations (100905) (m3/day)	Water Take – Shiploading (100906) (m3/day) (m3/year)	
Consent Limits		≥ 8.53	27,200	75,000	3,000,000
2011/2012	Average		4244	46,620 ^{#1}	
	Minimum	9.66 (Dec 2011, March 2012, June 2012)	1,990 (June 2012)		
	Maximum	10.17 (July 2011)	6,979 (February 2012)	72,292 (May 2012)	1,201,662
2010/2011	Average		4,776	32649	
	Minimum	9.73 (March 2011)	3,229 (Dec 2010)		
	Maximum	10.67 (Dec 2010)	7,357 (June 2011)	65,304 (Sep 2010)	942,951
2009/2010	Average		7,207	31,521	
	Minimum	9.7 (Mar, April, May 2010)	4,164 (Sep 2009)		
	Maximum	10.16 (July 2009)	15,044 (Feb 2010)	72,712 (Nov 2009)	1,146,484
2008/2009	Average		5,522	24,227	
	Minimum	9.45 (Jan 2009)	3,313 (Dec 2008)		
	Maximum	10.23 (Aug 2008)	7622 (Oct 2008)	66,651 (June 2009)	875,693
2007/2008	Average		8,671	29,891	
	Minimum	9.15 (April 2008)	2,219 (Jun 2008)		
	Maximum	10.12 (July, Aug 2007)	12,549 (Feb 2008)	76,037 (Feb 2008)	1,147,741

#1 – Ship Loading Daily Average is water take divided by number of days and part days loading

While the changes to the mining operation will allow for increased production of ironsand, NZ Steel will be able to remain with the existing consented limits for the water take. This will be achieved in a number of ways:

- Process water will be reused as much as practicable.
- Slurry water will be captured, recycled and returned to the process.
- Tailings water will be captured, recycled and returned to the process.

- A variation to Condition 3 of permit 100906, to allow operational activities to occur concurrently during shiploading up to a maximum of 75,000m³/day and 3,000,000m³/annually. This is discussed further below.
- The use of flocculants to increase the volume of water able to be recycled(if required).

Permit 100905 and 100906 both have conditions that specifically exclude taking water concurrently. NZ Steel is seeking a change to Condition 3 of permit 100906 to allow any water taken from the Wainui Stream for shiploading that is not used, to supplement the recovered and recycled water that will be used for the mining operations, up to a maximum of 75,000m³/day and 3,000,000m³ annually. The proposed change will not have any notable effect on the environment over and above that described in the AEE 2002 report, given that this will only occur during shiploading, and the limit on the water take will remain at 75,000m³/day and 3,000,000 m³ annually. This change will however enable the minesite to continue to run the concentration plant during shiploading, thereby enabling staff to continue working and increasing the efficiency of the business.

At present no chemicals are used in the mining process. It is anticipated that the proposed process ponds, recycling ponds and tailings settlement ponds will sufficiently treat the recovered water to allow it to be reused in the mining operations process. However, there is potential that flocculation may be required at some point in the future. Currently no chemicals are used in the separation process (refer page 28, AEE 2002 Report)

Mitigation measures in place to meet the consent requirements include:

- Collecting, clarifying and recycling water through the process;
- The use of dry mining techniques, as described in this report, in addition to the existing wet mining operation to enable increased production;
- Monitoring as per the requirements of the resource consents, including monitoring water take amounts during operations and shiploading and the water level in Lake Taharoa;
- Bunding all areas where oils and potentially hazardous substances are stored so that should a spill occur, it would be contained within the bund and not released to any natural waterway.

.Groundwater Effects

As part of the changes to the operation, new tailings areas on previously mined areas of the mine (as shown in the Figure in Appendix D). In order to maximise capture of water for reuse in the process, tailings water settling ponds will be constructed adjacent to the tailings area. Excess water from the tailings will be directed into the ponds for clarifying, prior to the water being pumped back to wither Process Pond 3 or the Operations Pond for reuse.

The tailings settling ponds will be unlined, and as groundwater levels in this area are relatively high it is likely that some groundwater will enter the ponds, mix with the tailings water, and therefore be used in the process although will eventually be returned to the ground via seepage or soakage.

The mine site is located some distance from neighbouring properties. The only consented groundwater abstractions within 10 km of the site are two groundwater bores located at Taharoa

Village, which are owned by NZ Steel and provide water supply to the village. No other consented groundwater abstractions are located near the site.

The existing consent conditions require the lake levels to be maintained at $\geq 8.53\text{m RL}$ (condition 3 of consent 100905) and NZ Steel has a monitoring programme in place to monitor lake levels. This is considered appropriate, and would assist in monitoring any potential effects on groundwater levels as a result of the diversion.

3.3 Coastal Permits

During shiploading, any excess water from the slurry is discharged into the Tasman Sea under consent 122566, which provides for up to $75,000\text{m}^3/\text{day}$ and up to $7,500,000\text{ m}^3/\text{year}$ of slurry water to be discharged to the Coastal Marine Area during ship loading operations. Under the existing consent, NZ Steel is required to monitor the amount discharged, and the quality of the discharge. Table 2 summarises the amount of water discharged to the Tasman Sea during shiploading over the last 5 years. This shows that the Taharoa mine is operating well within the limits of the consent conditions.

Table 2. Discharges to the Tasman Sea

		Water Discharge – Shiploading (122566)	
		(m^3/day)	(m^3/year)
Consent Limits		75,000	7,500,000
2011/2012	Average	41,026	
	Minimum		
	Maximum		1,057,462
2010/2011	Average	28,649	
	Minimum		
	Maximum		829,796
2009/2010	Average	28,521	
	Minimum		
	Maximum		1,008,906
2008/2009	Average	21,320	
	Minimum		
	Maximum		770,609
2007/2008	Average	26,304	
	Minimum		
	Maximum		1,010,012

With the proposed changes to the operation of the mine, the increased production means that there will be a corresponding increase in ship loads to meet the export demand. However, NZ Steel will be able to operate within the current consent limits because:

- The proposed processing through the SSP will produce a cleaner product, such that when it is slurried for shiploading there will be a higher density of concentrate and less sediment in the slurry, and thus discharges of sediment in the decanted slurry water from the ship will be less;
- The water used for slurrying will be cleaner than that used at present, as the proposed recycling and process ponds will enhance settlement of sediment; and
- The high energy environment of the coastal marine area will quickly disperse the sediment over a wide area, such that no noticeable accumulation of sediment under the deep sea mooring buoy will occur.

The main potential coastal impact will be the visual effect of the sediment plume during shiploading. As noted in the AEE 2002 report and AEE 2011 report, this effect will be similar in nature to that from a natural stream following a heavy rainfall event and intermittent in nature. The sediment plume will quickly disperse due to the high energy environment.

Overall, any potential effects of the coastal discharges from shiploading associated with the proposed activity will be similar to those described in the AEE 2002 report and AEE 2011 report. Mitigation measures in place to meet the consent requirements include:

- Monitoring the discharge during shiploading, in accordance with Permit 122566.

3.4 Land Disturbance in High Risk Erosion Areas

The proposed dry mining area is of a typical sand dune nature, and experiences wind-blown erosion. The mine site is classified as a “high risk erosion” area by the Waikato Regional Plan. Though this area will be exposed to the elements during dry mining operations, the surrounding pine trees will act as an almost continuous buffer between the open mine areas and neighbouring properties.

The proposed dry mining operation will create greater exposed areas than the wet mining operation. However, given the location of the site which is remote from neighbouring properties, and the rehabilitation management of the site, this is not considered to be a significant effect.

In addition, the site will continue to be managed in accordance with the Landscape and Site Rehabilitation Management Plan. Such measures include:

- Rehabilitation of the excavated areas using the tailings, as discussed in Section 2.3;
- Final recontouring of the rehabilitated areas to similar topographic forms to that in the local environment;
- Revegetation of the recontoured land using previously existing vegetation, marram grass, pine tree plantings, and other suitable indigenous species;
- Keeping exposed sand faces to as smaller an area as practically possible to minimise wind erosion and sand shift; and
- Creating wind breaks with tree lines and bund walls along the coastline to help minimise wind erosion.

3.5 Dust Management

The proposed increased use of dry mining methods has the potential to increase the amount of beach sand and dust emitted into the atmosphere, which can affect the local and regional air quality. With appropriate site management practices in place, and given the separation distance of the mining footprint from neighbouring residential properties, any potential significant effect on the environment is unlikely.

The Taharoa Minesite Landscape and Site Rehabilitation Plan outlines the measures used to manage the erosion effects predominantly caused by wind over exposed sandy faces. The primary control used is vegetation planting, which is conducted each year during the winter months. In addition, mining is undertaken so as to limit the area of exposed mining faces with areas of sand kept to a minimum, as discussed above.

The management measures above, combined with the existing nature of the environment, are considered appropriate to manage the effects of dust emissions to an acceptable level.

3.6 Summary of Effects

Based on the above assessment, any potential effects on the environment associated with the operation of the new mining process is considered to be similar to those described in the AEE 2002 report and AEE 2011 report, and are anticipated to be no greater than what the current suite of resource consents already permits to occur .

4 Consultation

A meeting was held on the 14 December in relation to the proposal. The presentation that was given is provided in Appendix F. Representatives from the following groups were invited to attend:

- Waikato Regional Council
- Taharoa C Block Incorporated
- Taharoa Lake Trustees
- Taharoa Community and Neighbouring Landowners
- Department of Conservation

A list of all attendees at the meeting is provided in Appendix F.

5 Planning Assessment

5.1 Introduction

This section addresses the planning requirements associated with the proposed activity, in terms of national and regional legislation. A summary of the key national and regional statutory requirements is set out in Appendix B.

5.2 Resource Management Act

The RMA sets out the legal framework for the sustainable management of natural and physical resources in New Zealand. Any decisions on proposed works must be consistent with the purpose and principles of the RMA as set out in Part 2 (Purpose and Principles) of the Act and have regard to the matters contained in Section 104 of the Act.

Part 2 Matters

Section 5 of the RMA sets out the overall purpose of the Act, which promotes the sustainable management of natural and physical resources. Sustainable management is defined in Section 5(2) and includes managing the development of natural and physical resources in a way that enables people and communities to provide for their economic, social and cultural wellbeing and for their health and safety while *inter alia* avoiding, remedying or mitigating adverse effects.

By augmenting the mining operation at Taharoa as set out in this addendum, it is considered that the activity will be in keeping with the RMA in that it will:

- Provide for the economic and social wellbeing of the local, regional and national community. The proposals will enable the mine to increase production to meet international demand, contributing the regional and national economy. The proposed changes will provide certainty and security for the local community in terms of employment.
- Be able to operate within the existing consented limits, so as to avoid, remedy or mitigate environmental effects.

Section 6 sets out the matters of national importance that are required to be recognised and provided for. Of particular relevance is: *(a) the preservation of the natural character of the coastal environment...* The proposed activity is considered to recognise and provide for these matters. As described in Section 3, the proposed changes are considered to have no greater effect than that described in the AEE 2002 report and AEE 2011 report. Effects on the coastal environment are not considered to be significant.

Section 7 sets out other matters that are required to have regard to. This includes, amongst other things, *(b) the efficient use and development of natural and physical resources.* The proposed activity includes water efficiencies and recycling, and therefore is considered to be in keeping with this matter.

Section 8 requires a proposal to take into account the principles of the Treaty of Waitangi. The Taharoa mine site is located within a culturally significant area, and consultation has been undertaken with relevant iwi (as described in Section 4).

.Section 127

To provide for the proposed activity, NZ Steel is seeking variation to three conditions in the existing suite of consents under Section 127. Section 127(1) of the RMA states that the holder of a resource consent may apply to the Council to change or cancel a condition of the resource consent (other than any condition relating to the duration of the consent). Section 127(3) states that sections 88 to 121 apply, with all necessary modifications as if:

- The application were an application for a resource consent for a discretionary activity; and
- The references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of a change or cancellation respectively.

Section 127(4) provides guidance in terms of determining who is considered as being potentially adversely affected by the change or cancellation of a condition(s), specifically every person who:

- made a submission on the original application; and
- may be affected by the change or cancellation.

Pursuant to s127 of the RMA a variation to Condition 1 of Schedule 2 of the suite of resource consents issued in 2006 (100899-100908) is proposed, to allow the opportunity to achieve flexibility in the methodology used to extract the mined iron ore product, enabling greater efficiency and effectiveness in water use and recovery, provided the mining operations stay within the approved limits as set out under the existing resource consents.

Pursuant to s127 of the RMA a variation to Condition 1 of Schedule 1 of the suite of resource consents issued in 2011 (122562-122568) is proposed, to allow the opportunity to achieve flexibility in the methodology used to extract the mined iron ore product, enabling the opportunity to achieve greater efficiency and effectiveness in water use and recovery, provided the mining operations stay within the approved limits as set out under the existing resource consents.

Pursuant to s127 of the RMA, a variation to Condition 3 of permit 100906 is proposed to allow water taken from the Wainui Stream during shiploading activities to be used for both shiploading purposes and mining activities, up to a maximum of 75,000m³/day and 3,000,000 m³ annually.

5.3 .Waikato Regional Plan

The Waikato Regional Plan sets out the policy and methods for managing the national and physical resources of the Waikato Region. Section 1 of the AEE 2002 Report sets out the activities requiring consents for the mining activities at Taharoa under the Waikato Regional Plan (refer Appendix A which sets out the resource consents obtained). In addition to those activities already consented, the following rules in the Waikato Regional Plan are considered relevant to the proposed activity:

- Rule 3.3.4.24(4), which provides for a groundwater take as a **discretionary activity**. As described in Section 3, as the tailings settling ponds are unlined and groundwater level is high in this area, there will be some ingress of groundwater which will end up going through the process.

Appendix B sets out the full statutory planning assessment for the proposed activity.