TE NEHENEHENUI

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19 May 2026

Central and Southern Blocks Mining Pr
application for Taharoa Ironsands Limit

Thank you for the opportunity to commen
Ironsands Limited (TIL) under the Fast-trac
mining operations within the Central and
including associated activities in the coast

Role of Te Nehenehenui

Te Nehenehenui is the post-settlement go
Settlement Act 2022, which represents an
Te Nehenehenui).

Te Nehenehenui has deliberately refraine
applications at the mine site, deferring to
outcomes. However, the scale and nature
current proposal necessitate our commen

The Fast-track Approvals Act 2024 sets ou
recognised customary rights. Section 7(1)
functions, powers and duties under the A
obligations arising under existing Treaty s

- A relevant iwi authority for the pur
- Under section 53(2)(c)(i), a relevan
that has an interest under a Treaty
application relates.
- The Maniapoto Claims Settlement
which includes the coastal area ad
Streams.

Broadly, Section 134 of the Maniapoto Claims Settlement Act 2022 articulates Te Nehenehenui's vision, principles and aspirations to guide the interpretation and

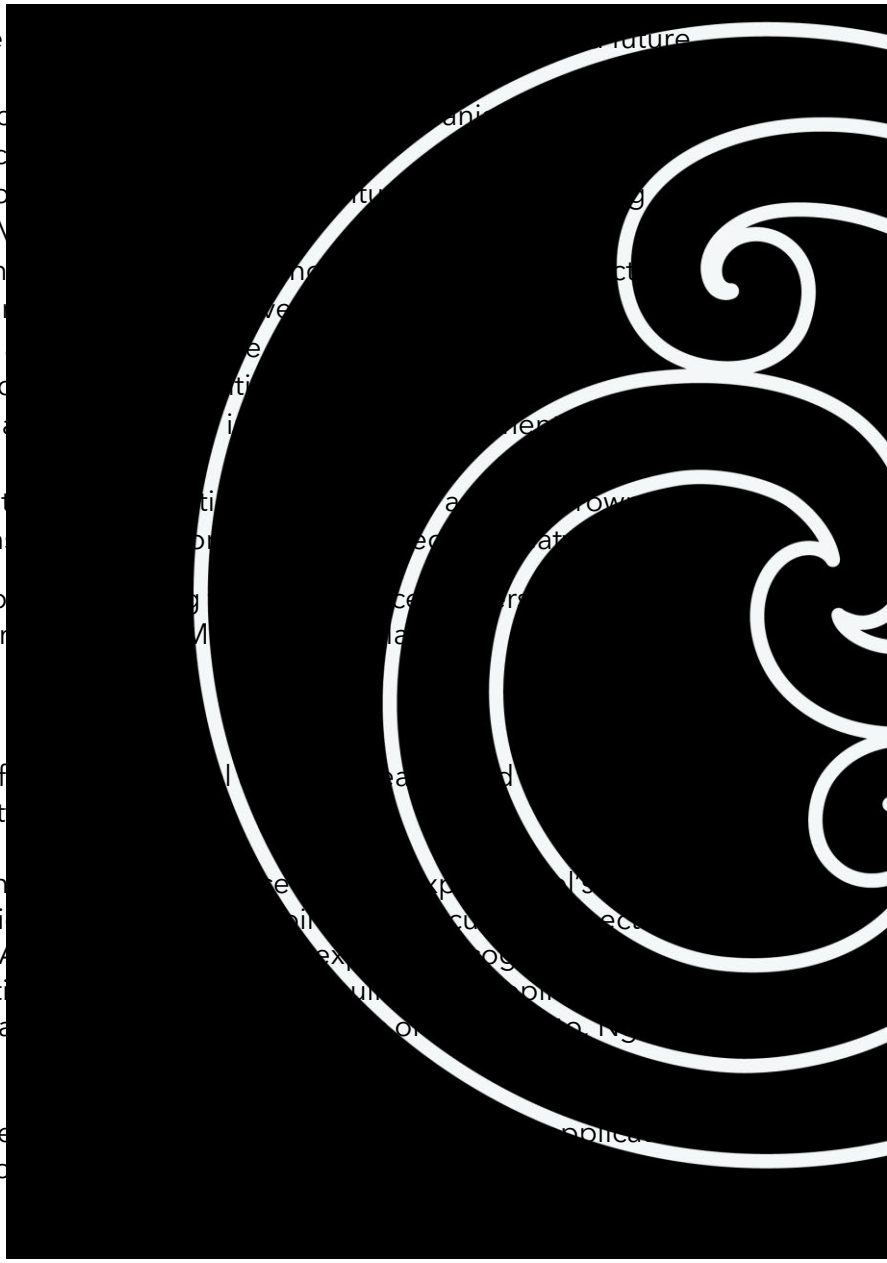
implementation of statutory redress relating to resource management, particularly in relation to Ngā Wai o Maniapoto.

The vision seeks an enduring, constructive relationship with the Crown and local authorities in managing Ngā Wai o Maniapoto that:

- Respects Maniapoto tikanga; and
- Upholds Maniapoto's cultural, spiritual and ancestral relationship with lands, waters, wāhi tapu and taonga.

The vision is underpinned by the following key principles:

- Te Mana o te Wai – prioritising the
- Ngā Wai o Maniapoto – the duty to
- Te mana tuku iho o Waiwaiā – reco
- Kaitiakitanga – restoring relationsh
- Recognition of Maniapoto mana –
- Recognition of Maniapoto as rang
- Te Tiriti o Waitangi / Treaty of Wait



Te Nehenehenui is additionally responsib
rohe are consistent with the Maniapoto En

The Expert Panel

We wish to acknowledge the members of
the decision making they face on this mat

In respect of this application, Te Neheneh
gives full and substantive effect to the visi
134 of the Maniapoto Claims Settlement A
Maniapoto perspectives, tikanga and kaiti
demonstrably avoid, remedy or appropria
o Maniapoto and the wider environment.

As this is the first occasion that Te Nehene
we have attempted to provide a full respo
process as required.

Technical comments

Te Nehenehenui has reviewed the application and associated appendices provided. We do not agree with TIL's conclusion that "overall, adverse effects are no more than minor". Our comments identify areas where mitigation and offsetting should be strengthened and we suggest alternative measures and pathways where we consider mitigation and offsetting are inappropriate. Our comments are contained as **Attachment A** to this letter. As directed by Minute 6 of the Expert Panel, comments on conditions are included in this attachment.

We acknowledge the opportunity we had to discuss this application with TIL in late 2025. Unfortunately, it has not been possible for us to meet with TIL to date, but we are happy to do so should the Panel direct this.

Nāku noa, nā

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Group CEO
Te Nehenehenui

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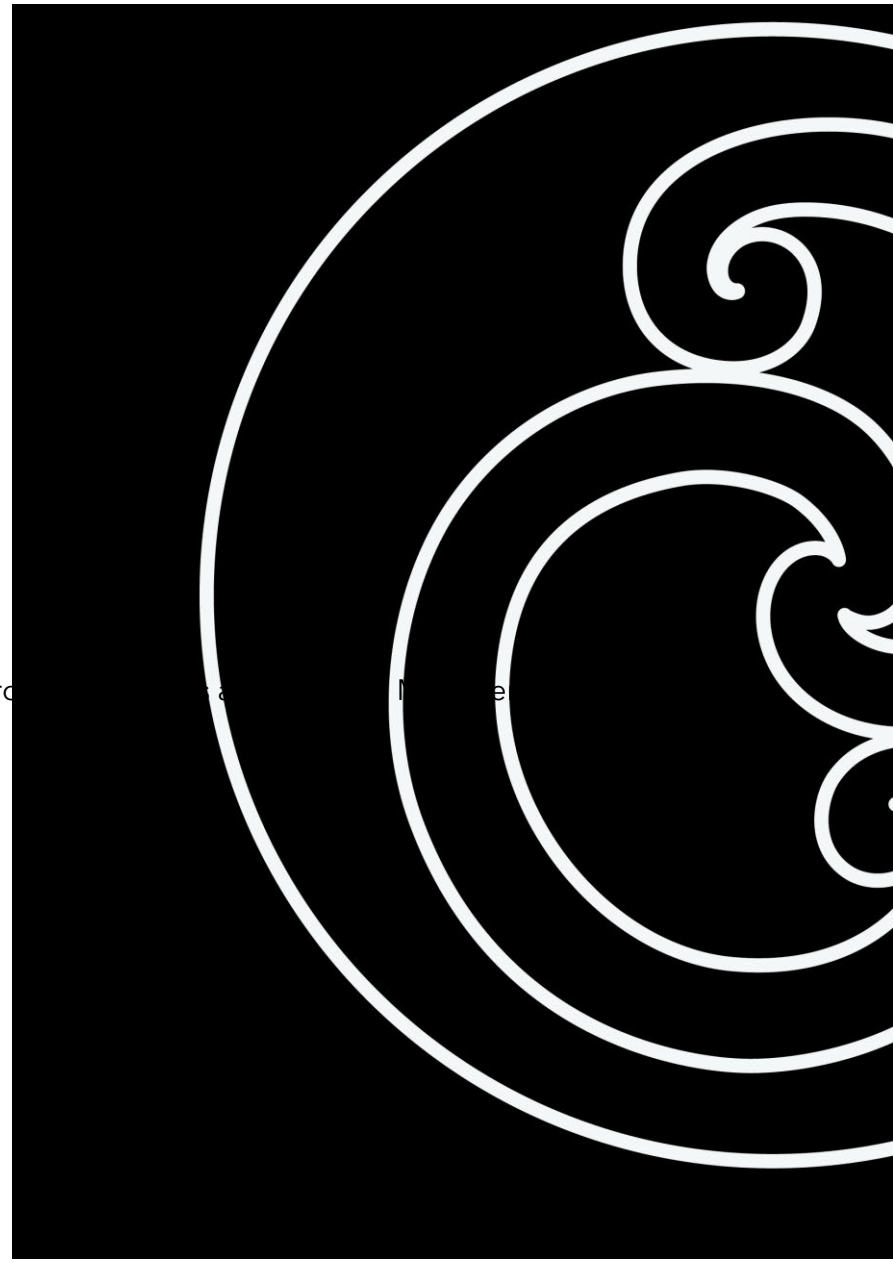

Attachment A: Te Nehenehenui Comments on the Fast-track Approvals Act 2024 Substantive Application for Taharoa Ironsands Limited

1. General comment on conditions

Should the Expert Panel decide to approve this application, it is our view that the conditions imposed by the 2024 Waikato Regional Council Hearing Panel Decision should be applied in full, with the additional suggested conditions outlined in the following table. Implementing these conditions represents the minimum that Te Nehenehenui considers is necessary to manage the potential and actual adverse effects of this application. Where any inconsistencies arise between the conditions imposed by the 2024 Waikato Regional Council Hearing Panel Decision and those proposed in the following table, Te Nehenehenui requests that the Expert Panel give preference to the more precautionary, stricter condition.

2. Consistency with the Act's purpose

Proposal	TNN Comment	Suggested way forward
Consistency with the Act's purpose		
In the substantive application at 2.2 the application discusses consistency with the purpose of the Fast-track Approvals Act. The assessment focuses on the regional and national benefits of the project and notes that "*Under section 85 of the FTAA a Panel must* [sic may] *decline an approval if the adverse impacts of the Project are sufficiently significant to be out of proportion to the Project's regional or national benefits. In order to be out of proportion to these significant benefits, the adverse effects/impacts would need to be extremely significant. As set out in this report, this is not the case as the overall level of (post-mitigation) adverse effects are, at worst, low".*	TNN does not debate the proposal's regional or national benefits but observes that section 85 also states that the Expert Panel must (rather than 'may') decline an approval if they consider that granting the approval would breach an obligation relating to Treaty settlements and recognised customary rights. The Maniapoto Claims Settlement Act 2022 defines a statutory acknowledgement area which includes the coastal area adjacent to Taharoa C Block and the Mitiwai and Wainui Streams. We note a minor correction to section 2.6.2 that Te Nehenehenui has a Joint Management Agreement with Waikato District Council and Waikato Regional Council. We do, but for the purposes of this application it would be more correct to state that Te Nehenehenui has a Joint Management Agreement with Waitomo District Council and Waikato Regional Council.	It appears that section 85(1)(b) prevails over the discretion afforded the Expert Panel by section 85(3). Section 85 establishes both mandatory and discretionary grounds for declining an approval. Under section 85(1)(b), the Expert Panel must decline an approval if granting it would breach section 7 of the Act. By contrast, section 85(3) provides that the Expert Panel may decline an approval if adverse impacts are out of proportion to regional or national benefits. In our view, the balancing exercise in section 85(3) does not apply where the mandatory prohibition in section 85(1)(b) is engaged. As such, we observe that even if the adverse effects are assessed as low, mitigation is proposed and the regional or national benefits are significant, none of these matters would 'cure' or offset a breach of Treaty settlement obligations or recognised customary rights.

Proposal	TNN Comment	Suggested way forward
		TNN is obligated by section 134 of the Maniapoto Claims Settlement Act 2022 which requires prioritising the quality and integrity of water for present and future generations, sets out the duty to restore, protect and enhance Maniapoto waters through active participation in decision-making and recognises Maniapoto as rangatira and kaitiaki in resource management and decision-making. We request the Expert Panel keeps this in mind when considering any areas where mitigation and offsetting should be strengthened - or where we suggest alternative measures and pathways because we consider mitigation and offsetting are inappropriate. To be clear, it is not TNN's position that this proposal could not ultimately be approved. However, the application as it stands and its proposed conditions, do not adequately manage the actual and potential adverse effects of the proposal. In the absence of significant amendments, TNN considers the Expert Panel should decline the application.

3. Consent duration and lapse

Proposal	TNN Comment	Suggested way forward
Consent duration		
The substantive application at 8.4.3 sets out the duration of consents sought, commenting "*there is no case law that suggests a shorter duration than 35 years is appropriate*".	The nature of the activity, sensitivity of the receiving environment, degree of uncertainty and the potential for cumulative or long-term adverse effects are more robust indicators of duration. The absence of case law suggesting a shorter duration is not determinative in our view. Nor do we consider that commercial certainty and capital investment are determining factors. While the Expert Panel may consider the applicability of RMA s104(2A) to aspects of the application, we suggest its purpose is to recognise existing	Consideration of the consent duration is not binary as the applicant appears to suggest (i.e. either 35 years or unacceptable uncertainty). We request the Expert Panel considers a shorter period to better balance the operational needs of the site with environmental oversight. We suggest 20-25 years given the substantive application at 1.1 states: "*Resource within the Central and Southern Blocks of the mine is projected to provide a minimum of 20 years of ironsand supply for export, if mined at a continuous rate – after which excavated areas*

Proposal	TNN Comment	Suggested way forward
	investment to avoid unreasonable outcomes, rather than enabling extended consent terms where there is significant environmental risk or uncertainty. Given the remoteness of the site and on-going compliance issues, including those relating to the provision of monitoring data[1], we also consider the proposed duration period unduly relies on section 128 review conditions.	*will be finally rehabilitated and closed".* A shorter period (20-25 years) would also reduce our concerns about the applicant deferring rehabilitation measures (see (5) below).
Consent lapse		
The substantive application at 1.3.1 seeks a 35-year lapse period for discharge of mining process water and water containing contaminants to ground as a result of incidental discharges from iron sand mining and forestry harvesting under the NES-CF.	It is our view that lapse periods exist to allow a consent holder a reasonable time period to give effect to a consent where commencement may be delayed. It is not a mechanism to stockpile approvals or hedge against operational uncertainty. The intermittent nature of incidental discharges is a known and inherent characteristic of the activity, not an exceptional circumstance. This approach will cause uncertainty, particularly in respect of monitoring regimes and the management of changes in the receiving environment.	We request the Expert Panel considers a shorter lapse period of 5 years for discharge of mining process water and water containing contaminants to ground as a result of incidental discharges from iron sand mining and forestry harvesting. We also request consent conditions which require the applicant to alert the authority responsible for monitoring the site once the consent is given effect to along with an agreed monitoring regime.

4. Historic compliance and remoteness

Proposal	TNN Comment	Suggested way forward
Historic compliance and remoteness		
Section 13(4)(x) of the Fast-track Approvals Act requires a summary of compliance or enforcement actions, and the outcome of those actions. Section 2.10 of the substantive application provides this information.	We trust that the Expert Panel will visit the site in the course of their consideration of this application. We consider that the remoteness of the site and the applicant's compliance history are critical matters for the Expert Panel to bear in mind when imposing consent and monitoring conditions. The site has a history of non-compliance which has been variously attributed to operational error, wind, stock encroachment and challenging rehabilitation conditions.	It is our view that the location of the mine and the applicant's compliance history requires consent conditions that: • have specified, measurable parameters / triggers. • require mandatory reporting thresholds. • require independent auditing and monitoring. • contain clearly specified timeframes and review clauses. • rely on bonds or other financial incentives to improve/guarantee performance.

[1] Raised by submitters in reference to AMR Audits (2017–2023)

Proposal	TNN Comment	Suggested way forward
	However, many of these issues (such as the delay in rehabilitation) are within the applicant's operational control. We have concerns about wording in proposed conditions which rely on the applicant's judgement. Examples are "reduce as far as practicable", "progressively", any self-initiated reporting or monitoring or a reliance on the applicant to undertake work without a specified timeframe. Additionally, there are information gaps in a number of areas and a reliance on management plans to be prepared or updated at a later date. If the consents are granted this means that much of the detailed effects assessment and management is done out of sequence. That is, the consent is granted without a clear picture of what needs to be avoided, remedied or mitigated.	• involve a shorter consent duration; and • do not rely on management plans to address effects which should have been evaluated as part of this process. An example: *AUTH142035.16.01 (condition 3) The Consent Holder shall establish a minimum of 8.3 hectares of new natural inland wetland habitat within the Consent Area, either through the creation of new wetland areas or by augmenting existing constructed wetlands to achieve the total area requirement within 2 years of the destruction of any natural inland wetland, as far as reasonably practicable.* • "Establish" does this mean completed or started? • "Creation or augmentation" is hard to define and open to interpretation about whether 8.3 ha in total of <u>new</u> wetland will be provided as offset. • "Within 2 years of the destruction of any natural inland wetland" is not enforceable. Does it mean the first wetland or at the point of destroying any wetland? • "As far as reasonably practicable" is subjective. • The condition relies on a Natural Inland Wetland and Buffer Management Plan We suggest conditions that: • <u>Have timeframes:</u> "The Consent Holder shall establish 8.3 hectares of new natural inland wetland habitat within 24 months of the date this consent is granted" or "of the first wetland disturbance." • <u>Are defined:</u> "establish" means a minimum 80% native species survival after 4 years, a minimum average plant density and weed cover of less than 10%. • <u>Are reported:</u> Annual progress reporting is required by an independent ecologist.

Proposal	TNN Comment	Suggested way forward
		• Include a performance bond: to ensure ongoing compliance.

5. **Existing environment and rehabilitation**

Proposal	TNN Comment	Suggested way forward
Existing environment		
The substantive application at 8.1.2 considers "the existing environment". The application states: *"For the purposes of the Application the environment against which the Project is assessed: i. ii. Includes the effects of TIL's past activities on the environment, including all steps required under the existing resource consents to rehabilitate the site. Assumes the activities authorised under the existing resource consents do not continue and therefore excludes the future effects of those activities".*	Ngaati Mahuta ki te Hauaauru (NMKTH) discuss the existing environment in Appendix 5: Assessment of the substantive application. NMKTH note that the applicant relies heavily on the position that the existing environment is already modified and that continuation of operations will not result in adverse changes. NMKTH consider the "existing environment" may include existing lawful activities, but it does not legitimise continued or intensified degradation. NMKTH submit that a modified existing environment is not a neutral baseline, long-term modification does not legitimise further degradation, and acclimatisation of ecosystems to disturbance does not equate to ecological integrity. NMKTH consider that past compliance performance is directly relevant to the assessment of the existing environment, which is a degraded baseline environment. In other words, the baseline environment must reflect the compliance history, including outstanding or delayed rehabilitation. We agree.	We request the Expert Panel considers whether the applicant's definition of the existing environment, which assumes that all rehabilitation required under the existing consents has been completed, is flawed. The evidence indicates that rehabilitation obligations at the site have been delayed and remain incomplete. It is our view that the existing environment employed by the applicant for the purpose of this proposal reflects a hypothetical rehabilitated state rather than the actual condition of the site.
Rehabilitation		
The substantive application at 1.1 states: *Resource within the Central and Southern Blocks of the mine is projected to provide a minimum of 20 years of ironsand supply for export, if mined at a continuous rate – after which excavated areas will be finally rehabilitated and closed. The mining*	The WRC decision refers to past non-compliance with rehabilitation requirements and comments on issues raised by submitters regarding the lack, or haphazard nature and extent, of site rehabilitation.	We believe that rehabilitation will be an important consideration for the Expert Panel. The rehabilitation process needs to be clearly documented and progress monitored.

Proposal	TNN Comment	Suggested way forward
infrastructure and facilities in the Central and Southern Block, including processing and ship-loading infrastructure and facilities, and the water source, will also provide support future extraction from the Central and Southern Blocks, and other blocks of the mine, for the next 35 years. The substantive application at 4.18 states: *TIL is required to continually adapt its rehabilitation approach making [it sic] impractical and ineffective to bind TIL's rehabilitation efforts to rigid timeframes or fixed hectare targets..... TIL has undertaken a successful trial of coconut matting which has assisting [sic] in the successful planting of more than 74,909 plants over a period of 5 weeks, and successful rehabilitation across a 6.5-hectare area.*	*"With respect to rehabilitation, the Applicant was to complete 62.94 ha of rehabilitation from 2017 to 2024. No rehabilitation was completed until 2021/2022. Since that time the Applicant has undertaken some rehabilitation but remains 'behind schedule'."*[2] It is our view that paragraph in 1.1 and the applicant's proposed conditions cannot be relied upon in respect of providing the Expert Panel with assurance that rehabilitation of the site will not be deferred. The application states there is 20 years of supply, then indicates the Central and Southern Blocks will be "*finally rehabilitated and closed*". Then in the same paragraph it states that the infrastructure will stay in place to "*support future extraction from the Central and Southern Blocks, and other blocks of the mine, for the next 35 years*". This could be a drafting error (ie: does the applicant mean for the 35-year period of the consent, not the 35 years after that?). However, the way it is written seems to indicate both the intention to rehabilitate the Central and Southern Blocks and then ensure the infrastructure is in place to support 'future' mining of those blocks. In the original WRC application, the decision-makers also commented on the applicant's desire to continue mining on the Central Block with existing techniques and to rework tailings on both blocks and continue mining on both blocks as new technologies enable this to occur. There is no description as to future technologies that may enable tailings to be reworked or mining to be undertaken differently. TNN does not support TIL mining an area, then leaving it in an unrehabilitated state on the basis that they might go back and remine the area at a later date.	Despite the conditions proposed by the applicant including a rehabilitation bond, a site rehabilitation plan, annual works plan and annual monitoring report, we remain concerned that rehabilitation will be deferred or may not meet the necessary standard to restore the site. By way of example, the proposed Site Rehabilitation Plan (Schedule 1: General Conditions, Condition 20) does not prescribe fixed timeframes, measurable standards, quantified rehabilitation targets or include independent auditing requirements. Instead, it relies on the preparation of a management plan to define these. Our concern is that reliance on management plans in the place of clearly defined, enforceable conditions, reduces regulatory certainty. Instead, compliance is assessed against the contents of a document prepared by the applicant. This concern is an ongoing theme in respect of our comments on this proposal. In another example the applicant cites a trial where coconut matting assisted planting 74,909 plants in 5 weeks over 6.5 ha. The application states that when conditions allow, they can plant 5–6 ha/year. This appears to undercut the claim that hectare-based targets are unworkable. They are clearly achievable at the site, but the applicant does not want to be bound to "*rigid timeframes or fixed hectare targets*". This application is considering an increase in intensity and scale. We consider that the rehabilitation bond needs to be set at a scale that incentivises the applicant to complete progressive rehabilitation. We also support independent auditing and monitoring.

[2] App142035 Joint Report and Decision of Hearing Commissioners 21 November 2024 at Para 376

Proposal	TNN Comment	Suggested way forward
	We consider that rehabilitation is a critical mechanism for dust control and must be undertaken on a continual, progressively staged basis.	

6. **Archaeology**

Proposal	TNN Comment	Suggested way forward
Archaeological Buffers		
Mining is not proposed to occur in demarcated archaeological and cultural reserve areas.	We note: • A 20 m buffer between the crest of pit slopes and cultural/archaeological reserves and adjacent property boundaries is proposed, unless a location specific geotechnical assessment can identify a reduced setback (section 4.7 of the substantive application). • The Archaeological Management Plan incorporates notice to local kaumātua if koiwi or archaeological remains are discovered. • Kaumātua nominated by Taharoa C will be involved in the management of archaeological discoveries	On this matter, TNN acknowledges and defers to the knowledge and guardianship of mana whenua, Ngaati Mahuta ki te Hauaauru uri and Taharoa C Block representatives as kaitiaki of the area. TNN first and foremost supports any comments made by mana whenua on this matter. We observe that: • A 20 m buffer between the crest of pit slopes and cultural/archaeological reserves may not be a wide enough setback for some sites. • The ability to reduce the 20m buffer from cultural reserve sites unless a local specific geotechnical assessment has identified an appropriate reduced setback is not acceptable. We oppose AUTH142035.01.01 condition 2(f). • Ceasing work within 10m of a newly discovered site as set out in the Archaeological Management Plan is a narrow buffer in a high wind environment with heavy machinery operating. Our preference is a 20m buffer as a minimum. • There is unresolved disagreement with mana whenua regarding process and representation which needs to be fully addressed to ensure the protection of the remaining archaeological sites.

Proposal	TNN Comment	Suggested way forward
		Archaeological Authority Proposed Conditions: Condition 2, Archaeological Management Plan. Amend the "Procedures for undertaking works in the vicinity of recorded sites when the Archaeologist is present" as follows: 7. If suspected archaeological deposits or features are identified at times or in areas where the Archaeologist is temporarily not present, the Operator must stop works (within 20~~10~~m) and follow the procedure set out below. Amend the "Procedures if Archaeological Sites are Exposed when the Archaeologist is not Present" as follows: 1. The Operator will ensure that earthworks shall cease in the immediate vicinity (within 20~~10~~m) while the Archaeologist is called in to establish whether the material is part of an archaeological site as defined under the HNZPTA.

7. Hydrology – connectivity

Proposal	TNN Comment	Suggested way forward
Hydrological connectivity		
Section 2.2 of Appendix I states that the "*Taharoa Lakes comprise three interconnected lakes, namely, Lake Taharoa, Lake Numiti, and Lake Rotoroa.*" The natural outlet of the Taharoa Lakes is the Wainui Stream. The dam on the Wainui Stream was constructed in the 1970s and is positioned approximately 2 km downstream of the lake edge. This has the effect of impounding water in the stream and raising lake levels.	At face value, the reconsenting of the existing dam on Wainui Stream, and the continued abstraction of water for processing activities appears relatively hydrologically benign. However, on closer focus (noting we are not hydrologists), the situation seems to be quite complex. Appendix I uses "lake" (being Lake Taharoa) and "lakes" (being the three interconnected lakes) interchangeably. Hydrologically, the report indicates that the dam controls outflow meaning that lake levels are directly dependent on the weir height and without the dam "Lake Taharoa" would sit approximately 2.5m lower than its natural level. We are not	We are concerned that the connectivity assumptions are incorrect. If the applicant wishes to model the lakes as a single hydraulic unit, then that assumption should be verified through monitoring of all three lakes and adaptive management conditions should apply to each lake individually. For example, an RL 9.6 m trigger is proposed for Lake Taharoa. An RL trigger should be established for each lake with appropriate management responses.

Proposal	TNN Comment	Suggested way forward
	clear on this point, but perhaps can infer that the dam affects the levels in Lake Numiti and in Lake Rotoroa, but by how much is not stated. The water balance modelling treats all three lakes as a single hydraulic unit, assuming that they behave in a uniformly connected manner. That is, a 0.2 m drop in Lake Taharoa would also be a 0.2 m drop in Lake Numiti and in Lake Rotoroa. We think it is unlikely that Lake Numiti and Lake Rotoroa will respond identically to Lake Taharoa when abstraction occurs. It seems improbable that water levels across all three lakes would equalise at the same rate, that there are no hydraulic restrictions between them, or that the lakes have identical elevations or ecological responses. For example, a 0.2 m drawdown could expose large shallow margins in one lake or have a minimal effect in a more steep-sided lake. Put simply, Appendix I confirms the abstraction effect will propagate through the entire system but there is no baseline data or information about the potential effects of the abstraction on Lake Numiti and Lake Rotoroa and there is no proposed monitoring so that effects can be addressed if they arise.	We suggest a review condition is in place initially to address findings after 2 years of monitoring each lake. The condition should enable the alteration of abstraction limits if differential lake behaviour is observed resulting in adverse ecological effects. After the initial 2-year period, the review condition should be enduring.

8. **Hydrology – abstraction monitoring**

Proposal	TNN Comment	Suggested way forward
Abstraction monitoring		
Current consents provide for 27,200 m^3/day for processing (Consent 100905) and 75,000 m^3/day plus 3,000,000 m^3/year for ship loading (Consent 100906). Consent 100905 includes a cease-take level at RL 8.53 m, and both consents require notification to WRC if the lake drops below RL 9.0 m.	Appendix I indicates that currently processing water is abstracted almost every day at an average of approximately 17,500 m^3/day. Reading the proposed conditions, it appears that the applicant is relying on a Lake Level and Water Management Plan, the objective of which is to set out how the minimum lake level of RL 8.53m is complied with.	Subject to the review conditions sought in (7)1 above as part of hydrological connectivity monitoring, TNN supports a cease-take condition at RL 8.53 m for Lake Taharoa. We suggest re-imposition of the requirement to notify WRC at RL 9.0 m and imposition of an additional requirement to notify WRC at RL 9.6 m.

Proposal	TNN Comment	Suggested way forward
We note that the ship loading events propose to increase from 18 per year to up to 35 per year. While the water take is still capped at 3,000,000 m^3/year there will be more frequent high-demand events. More loading events appears to mean more drawdown throughout the year. The application is effectively seeking a more intensive operating regime within the current limits.	The applicant is not offering notification to WRC at either RL 9.0 m or at RL 9.6 m even though the existing consents (100905 and 100906) require this. Instead, a management trigger is proposed at RL 9.6 m requiring a 'reduction as far as practicable' in abstraction. We note this was a condition imposed by WRC as part of AUTH142035.05.01 surface water take. If the level of Lake Taharoa drops below RL 9.6 m the applicant offers management responses to reduce as far as practicable the water being taken and to engage a suitably qualified and experienced ecologist to monitor and report on adverse effects, with resulting amendments to the Lake Level and Water Management Plan. The proposed condition requires the consent holder to engage a suitably qualified and experienced ecologist to monitor and report on the extent and health of the raupo and flax wetlands on the margins of Lake Taharoa adjoining the Taharoa C Block, if the level of Lake Taharoa is less than 9.6 metres RL Moturiki Vertical Datum for a continuous 30-day period. There is no timeframe specified for the ecologist to be engaged. There is no timeframe specified for the ecological report to be completed. Once the report is completed an additional 40 working days pass before changes to the Lake Level and Water Management Plan must be provided to WRC.	We suggest that at RL 9.6 m the consent should specify the required reduction in abstraction volumes, rather than relying on a general requirement to reduce abstraction "as far as practicable," in order for the condition to be clear and enforceable. We suggest that at RL 9.0 m the consent should specify further required reductions in abstraction volumes. See AUTH142035.05.01 conditions 7 and 10. We suggest all parties would benefit from better understanding the impacts of more frequent high-demand drawdown events associated with ship loading. We are not clear how much additional stress this will put on aquatic environments. As this does not appear to be well covered in the application, we suggest an independent assessment of this.

9. Hydrology - Modelling

Proposal	TNN Comment	Suggested way forward
Hydraulic Modelling		
Appendix I acknowledges it is a model. There is no measured stream flow data within the catchments that flow into Lake Taharoa so they were estimated. There are no current as-built or design drawings of the outlet weir. There is uncertainty	Acknowledging we do not have the benefit of a hydrologist to assist us with this application, we did note a number of matters: Section 4.3.6 states that lake seepage is not modelled as a separate component but is accounted for within the calibrated	We suggest a peer review of the modelling with the specific purpose of setting parameters for more detailed and enforceable consent conditions.

Proposal	TNN Comment	Suggested way forward
about the exact lake topography and bathymetry behind the dam structure, and uncertainty regarding the vertical datum offsets and frictional headloss along the length of the Wainui Stream behind the dam.	outlet discharge term. If seepage varies with lake level (eg increasing at lower lake levels) and that relationship is not fully captured within the calibration range, the model would not detect that. Consequently, recovery from abstraction could occur more slowly than the model predicts. The report estimates a minimum outlet-weir flow of 10 L/s by taking the lowest recorded dam water level in the monitoring period and calculating the corresponding discharge using a standard weir equation. This seems to mean that the rate is inferred rather than a long-term measured minimum-flow record. This may be relevant? Lake levels are measured from 2013–2024. There is no earlier lake level monitoring record. Model simulations (scenarios) run from 1990–2024 as the rainfall record used is from 1990 onward. Scenario 1 (historic abstraction) and Scenario 2 (no abstraction) are identical before 2013. Accordingly, the pre-2013 modelled period represents a no-take scenario rather than verified historic operational abstraction. Does this affect the assumptions?	

10. Hydrology – water intake screening

Proposal	TNN Comment	Suggested way forward
Water intake screening		
TIL currently uses 12mm mesh screens on its water intake system. The applicant argues that since 2017, freshwater ecological conditions have demonstrably improved. They comment that there has been a significant increase in fish numbers and that "*this positive trend confirms that the existing intake system is not adversely affecting aquatic life*". TIL is proposing to retain its existing mesh screens.	In reality, Appendix L states that while intake velocities are within acceptable limits, SLR recommends reviewing of intake screen design to reduce entrainment risk. At 3.4 the report goes on to state: • *There is the potential for small fish and invertebrates to be entrained or impinged on these screens.* • *The Wainui Stream is classified as a Significant Indigenous Fisheries and Fish Habitat class watercourse under the Waikato Regional Plan (WRP) which includes a standard requiring screen mesh size of 1.5mm.* • *The current screen size is not best practice for protecting small-bodied native fish and invertebrates and does not comply with this WRP standard.* • *The screen area and pump volume calculations indicate that maximum intake velocities reduce the likelihood of impingement for larger fish, but the large screen mesh size would potentially allow entrainment of small-bodied native fish and invertebrates, particularly larval galaxiids, bullies, whitebait, and elvers, into the pumps.* • *These life stages are vulnerable to entrainment due to their small size and limited swimming ability.* • *Potential adverse ecological effects of the large screen size include disruption of migratory cycles and reduced recruitment success for diadromous species.* • *Although the fish pass inlet is strategically located to reduce risks to upstream migrants, the lack of fine screening remains a concern for small or larval fish moving downstream.* • ***Operational constraints are acknowledged, but it is recommended that alternative mitigation measures or retrofitting be considered to better align with ecological and regulatory expectations.***	We oppose AUTH142035.05.01 condition 15 Reduce the mesh screen size on the water intake system to 1.5mm to comply with the Waikato Regional Plan The applicant replies on improved fish numbers and operational practicality to justify retaining the 12 mm mesh. However, Appendix L states that the screen size does not meet the WRP standard, is not best practice, and creates entrainment risk for small fish/larvae. Appendix L does not confirm "*a significant increase in fish numbers over this period*". All it confirms is that the fish pass is effective in facilitating upstream passage for migratory fish. We request that the Expert Panel, when determining conditions, gives careful weight to circumstances where the applicant's own expert evidence substantiates or validates a condition originally imposed by WRC.

11. Hydrology – effects on the Mitiwai Stream

Proposal	TNN Comment	Suggested way forward
Effects on the Mitiwai Stream		
Section 4.2.1 assesses the effects of mining below the water table Mitiwai Stream. The report found that once mining occurs below a certain level, abstraction of the groundwater will likely affect the baseflow in the lower Mitiwai Stream. Baseflow reductions will be most notable during summer low flow periods. The report states: • *A reduction of flows throughout the lower reaches of the Mitiwai Stream could remove the stream's connection with the coastal area and has the potential to result in the following adverse effects on freshwater values.* • *A reduction in instream habitat availability through changes in water depth and wetted stream width. Changes to water quality due to flow reduction, including water temperature fluctuations (increases) due to the loss of cooler groundwater inflows and associated potential reduction in dissolved oxygen levels.* • *Limitations to native fish passage opportunities, during both upstream and downstream migration periods, as a result of reduced water depths or channel dewatering.* • *Variation in the saltwater/freshwater transition zone and potential for saltwater intrusion upstream, potentially impacting available spawning habitats for fish such as īnanga (an 'At Risk – Declining' species).*	The Maniapoto Claims Settlement Act 2022 defines a statutory acknowledgement area which includes the coastal area adjacent to Taharoa C Block and the Mitiwai and Wainui Streams. The applicant proposes to supplement the Mitiwai Stream with treated water from mining operations to retain the existing flow rate near the boundary of the stream with the coastal marine area. Proposed consent conditions set the flow conditions that will trigger the need for flow augmentation to commence. The report recommends ongoing monitoring to ensure adverse effects on instream habitat quality and values and changes to water quality can be identified and minimised through management measures. We are concerned that the reduction in baseflows has the potential to remove the connection between the stream and the CMA and result in adverse effects on freshwater values. This could include impacts on instream habitat, water quality, fish passage and saltwater intrusion.	We are concerned that the mine water proposed to augment instream flows will reduce the instream water quality in the lower Mitiwai Stream. We are also concerned that the existing level of upstream fish passage may not be properly maintained for the duration of mining below the water table near the Mitiwai Stream. The report identifies the risks of augmenting the stream with treated mine water as being potential changes to water clarity, water temperature, dissolved oxygen or the introduction of other contaminants. It recommends monitoring. Again, a management plan is proposed. This time, if monitoring shows a '*notable reduction*' in water quality the management plan could include a review of the augmentation source water or review of augmentation flow rates. The report states that effects may occur over summer periods for between 4 to 5 years. This is not short term. This is cumulative seasonal stress on the Mitiwai Stream environment. The treated water will inevitably differ in temperature, nutrient composition, suspended solids and pH. More certainty is required. We suggest a peer review of the applicant's reports for the purpose of setting a minimum flow level for the stream with a buffer which must be maintained at all times and to establish appropriate water quality limits that are monitored and regularly reported on. We are certain that a peer review will highlight additional conditions that are required to ensure adverse effects (including those on fish passage) are avoided, remedied or mitigated. AUTH142035.14.01 see conditions 2 – 4.

12. Hydrology – setbacks

Proposal	TNN Comment	Suggested way forward
Setbacks		
Appendix K addresses the proposed 30 m wetland and water body setbacks. Appendices K and Q address the coastal 100 m MHWS setback. At 7.4 of the substantive application the applicant notes that additional setbacks were sought by mana whenua groups. These have not been included *"given that the various technical specialist reports that support this application have not identified any effects-based reasons for those setbacks to be applied"*.	We disagree. The technical and specialist reports referred to do not justify the 30m buffers in terms of hydrological protection. Only in terms of physical protection from damage. Appendix K Table 14 indicates that the buffers prevent physical damage but that adverse effects from physical damage are still possible (for Lakes and Wainui Stream and Southern Wetland 15). Table 17 indicates that hydrological changes to wetlands will only be low if there is: • Planting of appropriate buffers. • Lake margin monitoring programmes. • Lake trigger levels. • Wetland water supplementation. So potentially there is an effects-based reason for the buffers to be extended beyond 30m around the wetlands and water bodies if they protect these features from adverse hydrological effects.	The Maniapoto Claims Settlement Act 2022 defines a statutory acknowledgement area which includes the coastal area adjacent to Taharoa C Block and the Mitiwai and Wainui Streams. As a minimum, TNN seeks a 100m setback from the Mitiwai Stream. We oppose AUTH142035.01.01 condition 2(c). Appendix K states: *As part of the Natural Inland Wetland and Buffer Management Plan* (another management plan) *develop a method to monitor and manage water levels in all retained wetlands in the proposed groundwater drawdown areas. This should include establishing the typical operating water level of wetlands in this area, triggers for beginning supplementary water flows into these wetlands, as needed, and details of how water will be pumped into the wetlands to maintain their typical operating levels for the duration of the groundwater drawdown. Triggers are recommended to be based on the lowest natural level (recorded from pre-mining baseline monitoring) during any given season. If water levels in any of the groundwater connected wetlands drop below the seasonal low for more than 14 days, supplementary water flow should be provided and levels maintained within the natural seasonal range (Minimise). This approach has been used in other parts of the Waikato and although there is a level of risk, if well managed this approach can appropriately minimise adverse hydrological effects on these wetlands.* That detail is not translated into the proposed consent conditions which require monitoring as part of a management plan but do not specify a 14-day threshold, basing triggers on lowest natural seasonal baseline, maintaining levels within natural seasonal range, supplementing water once a trigger is exceeded and continuing until natural range is restored. In our view, Appendix K clearly identifies specific parameters needed for enforceable consent conditions, rather than management of this being deferred to a management plan. If the Expert Panel elects to rely on a management plan, then a more precautionary approach is warranted. In that context, larger setback buffers should be applied to increase certainty that adverse hydrological effects on wetlands and water bodies will be appropriately minimised. As such, we oppose AUTH142035.01.01 condition 2(d).

13. Maniapoto Environmental Management Plan

Proposal	TNN Comment	Suggested way forward
Maniapoto Environmental Management Plan		
At 8.3.10 of the substantive application the applicant assessed the Maniapoto Environmental Management Plan (MEMP) and identified no inconsistencies with the relevant provisions in that plan because: the access to Te Kooraha Marae will not be adversely affected, an archaeological management plan will be followed, the proposed mining will not result in any significant adverse effects on the mauri of freshwater systems on the site and the areas that are mined will be appropriately remediated upon completion.	It is our view that the assessment is a bit light. The substantive application says an assessment against the iwi environmental management plans for Waikato-Tainui, Ngāti Mahuta, and Ngati Maniapoto is included in Appendix AA. That appendix did not contain an assessment of the MEMP. Our full MEMP was attached. Noting we may be missing an appendix, the applicant's assessment against the MEMP is narrow. It focuses on access, archaeology, freshwater mauri and rehabilitation, but does not properly engage with the plan's mining-specific requirements.	At 23.2.4.1 the MEMP observes that national and international companies often accrue significant economic benefits from mining and exploration activities and although there are some local and regional benefits from jobs and services, there are also local environmental and social costs that impact on the people of Maniapoto and the environment. There are some policies and actions in the MEMP which should be more fully considered including: Policy 23.3.1.1 Manage the effects of mining activities and any associated discharges in a manner that avoids significant adverse effects on the relationship the people of Maniapoto have with water and land. Policy 23.3.2.2 Existing and new mining activities effectively remediate and restore mining sites. Action (a) Require a site remediation and restoration plan to be in place for the duration of the mining activity. Action (b) Require mining developers to demonstrate they have the financial resources to remediate and fully restore a site once the materials mined from the site are exhausted. Action (c) Require mining developers to provide a suitable bond to the consenting authority to guard against any closure or failure of the mining activities or environmental protection initiatives.

14. Coastal Effects – Noise and marine mammals

Proposal	TNN Comment	Suggested way forward
The Taharoa Port sits within the West Coast North Island Marine Mammal Sanctuary. The sanctuary was established by DOC in 2008 as a part of the	Under the Primary Industries Protocol in the Maniapoto Deed of Settlement at 7.1.8 it is recognised that Ngāti Maniapoto has a customary non-commercial interest in Ahoaho (Maui Dolphin) as a taonga species.	Confirm the proposal does not require a resource consent under NOISE-R4 Underwater noise generation (Proposed Waikato Regional Coastal Plan).

Proposal	TNN Comment	Suggested way forward
Hector's and Māui dolphin Threat Management Plan. At 4.5 of the substantive application the applicant indicates that ship loading events will increase from 20 per year to up to 35 ship loading events per year. Appendix GG states: *"The Port Taharoa area is part of ecologically significant habitat for the nationally critically endangered dolphin and represents important year-round habitat. For other species of marine mammal, these waters represent only a small fraction of similar habitats available throughout nearby coastal regions. However, it is important to note that several of these species are nationally and / or internationally recognised as threatened species, and thus need to be considered in regard to Policy 11(a) of the New Zealand Coastal Policy Statement (NZCPS)."*	We note from the documentation (Appendix GG) that the Port itself is not considered more ecologically significant as habitat for any marine mammal species relative to nearby coastal regions or those further along the northwestern coastline. The sole exception is Maui Dolphin which is Nationally Critical. The Port sits within the important resting and feeding habitat for a population of less than 100 mature dolphins. This species is therefore highly relevant to an assessment of the actual and potential effects of the proposed activity on the environment, in particular under Policy 11(a) of the NZCPS, which refers to avoiding adverse effects on nationally and / or internationally recognised threatened species. Appendix GG, which is the assessment of environmental effects on marine mammals, indicates that there are significant data gaps in the application and its potential effects on marine mammals. There are no data available on the underwater noise levels produced by the bulk carriers that collect and dewater the slurry. There is little information or data available about the noises generated from pipelines transporting mining slurry. There have been 'few' marine mammal surveys undertaken within the Port environs, but a range of marine mammals have been reported in the wider area.	There is a significant uncertainty issue in terms of the effect of increasing ship loading events and we observe that this scale of uncertainty requires a conservative, precautionary approach. Under NZCPS Policy 11(a) decision-makers must avoid adverse effects on threatened species. Currently the applicant appears to be relying on industry standard best management practice measures. As the application stands, we could not identify proposed consent conditions that directly respond to the uncertainties identified in Appendix GG. We observe that without monitoring or management conditions the Expert Panel cannot ensure Policy 11(a) will be achieved. As a minimum we suggest the imposition of conditions relating to: • requiring a marine mammal sighting recording programme and annual reporting of sightings to the Department of Conservation. • mandatory marine mammal observers[3] • vessel strike incident reporting • a marine mammal monitoring programme • underwater noise monitoring

15. Discharges

Proposal	TNN Comment	Suggested way forward
Discharges		
In section 5.1 of the substantive application an array of discharge consents are sought including under the NES-F Regulation 45D(5) - the discharge	The application anticipates that sediment-laden water, mine water and operational runoff may enter streams, wetlands, groundwater systems and the coastal environment. Mine	We observe that overall, the management of discharge effects is largely dependent on management plans. The proposed conditions contain few numerical limits and a number of the proposed mitigation measures rely on

[3] There are useful provisions on the role of observers in NOISE-R1A(2), Proposed Waikato Regional Coastal Plan

Proposal	TNN Comment	Suggested way forward
of water into water within, or within a 100 m setback from, a natural inland wetland, under the NES-CF Regulation 97(7) – discharge of sediment into water or onto land in circumstances where it may enter water including groundwater, the discharge of stormwater and washdown water per day [sic] into the Wainui Stream and discharge of up to 32,600 m^3 per day of stormwater and process wastewater to the CMA. Other discharge permits are sought to land and air.	dewatering discharges can also potentially affect the hydrology of the Mitiwai Stream. The management plans included in the application use terms such as "minimise", "manage", "monitor", "where practicable", "as required" and "where appropriate". These terms enable wide discretion for the mine operator.	monitoring to trigger a management response rather than a preventative approach. Our preference is the use of quantified discharge standards because without numeric limits, it is our view that enforcement becomes very difficult. We consider a reduced reliance on management plans, the addition of independent monitoring regimes and increased reporting conditions are necessary. As noted above, we consider that key compliance standards need to be fixed at the consenting stage. As such, we oppose the reliance on management plans – see Schedule 1: General Conditions 13 - 18 Please also note that we support the requirement for the applicant to publish monthly monitoring results on their website. It is our view that transparency is in the best interests of everyone.

16. Wildlife Act Approval

Proposal	TNN Comment	Suggested way forward
Wildlife Act Approval		
Please note this information was also provided as feedback on the Department of Conservation's section 53 report for an approval under the Wildlife Act 1953. Appendix KK contains the Lizard Management Plan which is part of the information supporting the application for a wildlife authorisation is to capture, temporarily hold, relocate and incidentally kill copper skinks.	We do not support the Lizard Management Plan (LMP) in its current form. We suggest that its provisions need to be strengthened in order to address adverse effects on indigenous lizard populations. We do not consider that the methods offered by the LMP are robust enough to ensure the continuity of lizard species within their natural rohe, or to uphold the relationship between mana whenua and taonga species. The primary purpose of the Wildlife Act is the protection of wildlife and activities authorised under this legislation should,	**Time period:** The wildlife authorisation is sought for 10 years (2026–2036). The proposed mining consent is 35 years. We are concerned about the uncertainty of species management over the subsequent 25 years. We are concerned that the applicant could simply report that there are no adverse effects and therefore that no re-authorisation is required. If the Expert Panel determines that the term is only 10 years, it is our view that any variation/extension of the authorisation should be subject to the applicant actively demonstrating no-net loss over the initial 10-year period. This should be independently verified and findings shared mana whenua. **The monitoring framework:** We do not consider the monitoring proposed provides any real assurance of longer-term population viability or that the relocation efforts have been successful. We are concerned about the monitoring only being triggered where more than 50 "At Risk" lizards are

Proposal	TNN Comment	Suggested way forward
	in our view, be consistent with this protective purpose.	salvaged and released, noting that the LMP states "Lizards are cryptic and difficult to detect, particularly at low densities and in the presence of predators". This signals to us that significant adverse effects might occur without any monitoring requirement if lizards are not captured and relocated within this threshold. We are concerned that monitoring is limited to a maximum of three years (and only if it is triggered in the first place), which seems too short to assess long-term population viability. We suggest the LMP is modified to address these matters. **Relocation:** The proposed lizard release site is a 1 ha area of replanted vegetation within Wainui Steam buffer. We are interested in the views of ecologist(s) advising the Expert Panel and the views of the Department of Conservation about whether relocation of lizard populations is actually a successful or reliable mitigation measure. It has been our experience that relocation of indigenous fauna is inherently uncertain and the LMP does not appear to address this. We consider that the LMP should be required to set out relocation 'success criteria' and/or consequences if relocation fails. It is our view that without these safeguards, the LMP risks monitoring decline rather than preventing it. **Incidental discovery protocol:** The LMP states that "Lizards can inhabit unlikely locations and sometimes be found in surprising abundance". We are concerned about the incidental discovery protocol. While it is designed to be reactive, to us it confirms that the salvage methodology will not work in this huge mining area. The cessation of all activities in a 10 m radius around where the lizard was observed seems too small and we do not see how machinery operators will be able to prevent lizard injury or death during works. **Adaptations to the LMP:** We are concerned with the proposal that "minor flexibility or adaptations to the current methods proposed in this LMP may be made at the discretion of the Project Herpetologist". While we acknowledge that amendment may be appropriate, the current wording is quite unconstrained. We suggest as a minimum, the LMP should clearly define what constitutes a "minor" change and require prior approval from the Department of Conservation. This would be to ensure any amendment is linked to monitoring results and there is a clear rationale that the change will improve outcomes for lizard populations.

Proposal	TNN Comment	Suggested way forward
		Wildlife Approval Proposed Conditions: • We agree with Condition WA 6. • We agree in part with WA 12 although consider a 20m radius is more suitable in a high wind environment with heavy machinery operating. • We agree with annual reporting proposed under WA 13. • We agree with the inclusion of WA 1(b)(vii) identification of a suitable Release Area and (viii) Animal pest control and animal pest monitoring measures to protect Lizards at the Release Area. Although we consider the release area needs to be larger than 1 ha and the nature and perpetuity of pest control should be specified.

17. Support for Comments provided by other parties

Matter	TNN Comment
Section 53(2)(e) of the Act provides for any applicant group under the Marine and Coastal Area (Takutai Moana) Act 2011 that is identified in the report prepared under section 18 or 49 and seeks recognition of customary marine title or protected customary rights within the area to which the substantive application relates. Section 53(2)(g) of the Act provides for the tangata whenua of any area within the area to which the substantive application relates that is a taiāpurelocal fishery, a mātaitai reserve, or an area that is subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996.	We support the comments provided by Natasha Willison-Reardon, named applicant for the Marine and Coastal Area (Takutai Moana) Act 2011 application CIV-2017-419-082-P (rohe moana to Tirua Point), named applicant for the Marokopa Mātaitai Reserve (Fisheries Notice 2010 No. F567) and Mirumiru Pā ki Marokopa. Te Nehenehenui is the mandated iwi authority that represents and acts on behalf of Maniapoto as the post-settlement governance entity under the Ngāti Maniapoto Claims Settlement Act 2022. Te Whare Hauaauru ki Uta refers to a cluster of marae sitting under Te Nehenehenui along the west coast of the rohe. Mirumiru Pā ki Marokopa is one of the marae within Te Whare Hauaauru ki Uta. Accordingly, TNN alerts the Expert Panel to its relationship with the following instruments: • New Zealand Gazette notice 2004-go4804, the Fisheries (Kaimoana Customary Fishing) Notice (No. 16) 2004 (No. F288), made under Regulation 9 of the Fisheries (Kaimoana Customary Fishing) Regulations 1998. Defines the Marokopa and Kiritehere area/rohe moana from Tirua Point to Harihari Beach. • New Zealand Gazette notice 2010-go9620, the Fisheries (Declaration and Notification of Marokopa Mataitai Reserve and Appointment of Tangata Kaitiaki/Tiaki) Notice 2010 (No. F567),

Matter	TNN Comment
	made under Regulations 23 and 25. Declares the Marokopa Mātaitai Reserve from Tirua Point to Harihari Beach extending 3 km seaward of the MHWM, with the Regulation 27 prohibition on commercial fishing. • Marine and Coastal Area (Takutai Moana) Act 2011 High Court application CIV-2017-419-082-P, which is live and engages the section 62 protection of applicant groups against consents with more than minor adverse effects.
Ngaati Mahuta ki te Hauaauru: comprising Te Ruunanga o Ngaati Mahuta ki te Hauaauru Charitable Trust, Te Kooraha Marae, Aaruka Marae and Maketuu Marae.	TNN acknowledges and defers to the knowledge and guardianship of mana whenua, Ngaati Mahuta ki te Hauaauru as the mandated marae representatives when speaking on behalf of the whenua. In the event of any inconsistency between the positions of Te Nehenehenui and Ngaati Mahuta ki te Hauāuru, Te Nehenehenui requests that the Expert Panel give preference to the more precautionary position, particularly where there is uncertainty regarding effects on cultural values and / or environmental outcomes.