

MINUTE 16 OF THE EXPERT PANEL

Record of Hui at Aaruka Marae

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

TRANSCRIPT PREPARED BY:	TASMAN TRANSCRIPTION
CLIENT:	ENVIRONMENTAL PROTECTION AUTHORITY
DATE OF HUI:	17 JUNE 2026
AUDIO NAME:	ROY WETINI WHĀNAU TRUST
TOTAL LENGTH OF AUDIO:	22:22
TOTAL PAGES:	9

[Start of Recorded Material: 0:00].

TEINA MALONE: Teenaa koutou katoa. My name is Teina Malone, and I am one of the trustees of the Roy Wetini Whaanau Trust, who I'm here to speak on behalf of.

Wetini Whaanau land encompasses nine parcels covering an area of approximately 90 hectares. I'm very sorry, I didn't introduce my dad, Roy [laughter]. Our homestead is within the westernmost parcel, which adjoins Taharoa C Block to the north, the west and the south. This land has been occupied by our whānau for as far back as we can trace.

My granddad, Ban Wetini, was born and grew up here with his brother, George, and their parents before that. In 2012, this whenua was passed to my father, Roy Wetini, and in 2023, this was placed into the Roy Wetini Whaanau Trust.

From the steep land to the east, we overlooked the central mine site, with a view to the south extending out to and beyond Taharoa Lake. Despite adjoining the mine site, since operations commenced in the 1970s up until around 2016, we remained protected from mining activities due to the nature and location of the works. The mining footprint was contained. The active mine site was set back from external boundaries. Buffers remained in place, including vegetation within the northern and eastern part of the central block and the ridgeline to the south of us.

Within the last 10 years, there have been significant changes to the immediate and wider landscape. Mining operations have changed with the introduction of dry mining operations in addition to wet mining as provided for under the consents granted in 2013. Vegetation buffers have been removed. The mining footprint has expanded moving closer to external boundaries and sensitive activities, including our own house.

New consents have been granted to enable mining operations to expand outside Taharoa C Block to adjoining parcels of land to the east and north, including the eastern block, northern block, pit one and a portion of the parcel of land known as Te Mania [? 2:35].

Since mining operations began, one of the key mitigation measures and managing offsite effects has been progressive rehabilitation. Vegetation planting was undertaken annually during the winter months. As land was stabilised, we did not experience adverse effects on air quality. We've witnessed a noticeable absence of rehabilitation and planting in the past 10 years. We now look out over a vast area of exposed land, largely devoid of vegetation.

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These changes in operations have had a direct and significant impact on our whānau and the whenua we are kaitiaki for. Works have included mining of the adjoining ridgeline to the south of us. This ridgeline is in the direction of the prevailing winds and previously acted as a buffer, protecting us from the most significant effects of the central block mining operations.

Up until 2020, being the year that resource consents expired, this ridgeline appeared almost intact. Impacts to this ridgeline have been significant. Ongoing mining operations have resulted in a noticeable decline in air quality at our whenua and across the water taiao, with clay dust at times being thick enough to impact visibility.

The presence of clay dust on and inside our house - concerns regarding potential health effects while this dust is airborne both outside and inside our dwelling. Impacts on our vulnerable water supply, which we no longer drink due to the presence of clay dust on our roof, which washes into our water tank.

Erosion and sand migration has occurred down what remains of the ridgeline covering adjoining land and moving towards and likely into the Mitiwai Stream and wetlands below. There's been a significant increase in noise received by us and cumulative noise effects as we now also hear noise from operations within the northern block, pit one. Impacts on our visual amenity and on our experience of our ancestral whenua and sites of significance to us as we now look out to the mining operations including from the urupaa, and an increase in light emissions.

The mining footprint continues to grow with works recently commencing on that part of the ridgeline directly behind our neighbour's house to the south of our own. This photo here was taken in April, and it's changed again so they are now mining. You can see the white house. They're mining behind that and starting to mine right along the top of that ridgeline.

Heavy machinery.

DAVE SERJEANT: Can I just ask a question, sorry? Just on that bottom visual there, where the Carter [? 5:40] house is to the left of the pine trees, you're talking about mining above that?

TEINA MALONE: They're mining it now.

UNIDENTIFIED
MALE: [inaudible 5:47].

TEINA MALONE: Heavy machinery is now operating.

DAVE SERJEANT: Sorry to interrupt, but while you're there, you mentioned the Mitiwai Stream. Can you just run a line with your finger or a pointer where the Mitiwai Stream flows in that photo, that bottom one? I've got a rough idea. I just want to make sure I've got it right.

TEINA MALONE: It flows it down along here and out to the coast.

DAVE SERJEANT: Yeah, I couldn't see that, sorry.

TEINA MALONE: It flows down here.

DAVE SERJEANT: Okay, thank you.

TEINA MALONE: It's between us and the northern block.

DAVE SERJEANT: Where were you saying the mining's eroding into the stream?

TEINA MALONE: Right there.

DAVE SERJEANT: There?

TEINA MALONE: It's right along. The Mitiwai is further down, but there's wetlands here and trimmed trees.

DAVE SERJEANT: Okay.

TEINA MALONE: This has dropped right down to the base.

DAVE SERJEANT: Thank you.

TEINA MALONE: Heavy machinery is now operating on this ridgeline day and night, contrary to the fast track application, which confirms mining near the ridgeline will be limited to daytime hours only. This noise makes it extremely difficult to sleep and the works affect our amenity and enjoyment of our whenua.

Throughout the fast track application, TIL claims that they hold existing regional council consents which enable them to mine up to external boundaries, meaning the effects of these works, including those on the ridgeline, have been considered and are consented. We are yet to see any evidence to substantiate these claims which contradict documentation that we have reviewed today, including the relevant assessment of effects dated 2013, which TIL are required to operate in general accordance with.

The pine trees described within this assessment of effects is an almost continuous [inaudible/background cough] between the open mine areas and neighbouring properties that have been removed in their entirety, the land beneath and on the other side of the buffer mined. The open mine is no

longer remote from neighbouring properties as described within this assessment of effects. The effects that we continue to experience were not anticipated under these consents as these works were not proposed.

Decisions, including the decision to process the 2013 application, non-notified with no affected parties were made on the basis of the contents of the application and this assessment of effects. To ensure the full range of effects are thoroughly considered and addressed, we ask that in the absence of evidence being provided by TIL to confirm existing use rights apply, the panel treat the application as an expansion of the approved mining footprint rather than a continuation of a consented activity.

In regard to rehabilitation, as attached to our comments submitted to the panel, the compliance audit undertaken in 2024 by WRC confirmed that in the seven year period TIL had been the consent holder, only eight of the 70 hectares of required rehabilitation had been completed, with no planting at all being undertaken within the first four years. We have not observed any successful planting within the central mine site.

While the regional council has year after year identified breaches to rehabilitation conditions throughout, TIL as consent holder, no enforcement action has been taken. These ongoing consent breaches have resulted in an escalation of effects and have created the environment that exists today.

When we look over the mine site, we see a vast exposed landscape devoid of vegetation. Without vegetation, there is nothing to stabilise the land. Without buffers, there is nothing to contain the effects of the mining operations. This results in the dust clouds we have witnessed which move across the land and across Taharoa C Block well outside the mine boundaries to the east, towards Taharoa Village and the kura, and to the north including over our whenua.

In addition to the potential health effects while dust is airborne, this dust eventually settles on the whenua and water bodies, on people's kai and property. We have communicated concerns about the ongoing effects of these works to the consent holder and the regional council on numerous occasions through direct communications and issues raised in consenting processes over a period exceeding two years. Our voices have not been heard. Our concerns continue to fall on deaf ears. We cannot fulfil our role as kaitiaki when those in a position to address our concerns do not.

Based on our experience, should consent be granted, there is a need for significant changes to ensure clear enforceable conditions are imposed, that there is transparency, accountability and greater engagement with and involvement by mana whenua. The Roy Wetini Whaanau Trust does not

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support the fast track application in its current form for the reasons outlined and expanded on within our comments. These key reasons include the application seeks consent to mine up to external boundaries, which we oppose. Sufficient mitigation measures are not included to address offside effects. The proposed conditions of consent do not address our concerns around rehabilitation, nor do they acknowledge or address the rehabilitation deficit that exists. We do not support the proposed bond contribute conditions, including a shift in responsibility for bond payment from Taharoa Ironsands Limited to Taharoa C Block. We do not support the removal of pine trees due to the significant effects we've experienced from removal of vegetation buffers and anticipated effects on the wider taiao. The proposal would adversely affect our ability to fulfil our role as kaitiaki and our connection to our ancestral land.

We appreciate the economic and social benefits that mining operations can provide to the community and benefits to the wider region. As a whānau, we are not opposed to the activity of mining itself, provided operations are managed in a way that they do not impact adversely on the health and wellbeing of the people and the taioa for current and future generations.

It's evident to us that throughout their term as a consent holder, TIL have not managed activities in this way. The level of effects we observe and experience are continuing to escalate. While we have been open to engagement and discussions with TIL, our experience and communications with them have not been positive ones. What was described in the FastTrack Application as consultation with our whānau trust was from our perspective a tick box exercise. In our view, this was not genuine or constructive. The concerns we have raised were not addressed within the Fast Track Application. Should consent be granted, there is a need for structured conditions around communication and engagement, and we support the communication conditions within the commissioners' decision, including a requirement that minutes are recorded at any consultation hui.

Significant time and resources were spent by mana whenua on lodgement of submissions, presentation of evidence and expert evidence at the resource consent hearing for the central and southern blocks held in 2024. All of this mahi was undertaken in our own time, at our own expense. It was extremely disappointing to us that TIL appealed this decision and subsequently proceeded with this application through the fast track process. Involvement in these processes is taxing for all involved, yet necessary to ensure our voices are heard.

We were satisfied that the conditions imposed within the commissioners' decision addressed our key concerns. Should the panel grant consent, we

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ask that those conditions contained within the commissioners' decision are imposed in full, including all minimum setbacks and rehabilitation conditions. In addition, we request reinstatement, stabilisation and planting of the adjoining ridgeline, an increase in the minimum area of annual planting from six to 10 hectares, a requirement to implement makeup rehabilitation to address the deficit that exists with a focus on rehabilitation and replanting of land within the 200 metre setback of external boundaries, a reduction in the consent term from 20 to 14 years.

The Roy Wetini Whaanau Trust supports the cultural evidence prepared by Taituwha King and the comments submitted by Ngaati Mahuta Ki Te Hauaauru, and we ask for inclusion of additional conditions requested within these comments to address cultural effects.

We'd just really like to thank the panel today for making the decision to allow us to speak with you today. Ngaa mihi nui ki a koutou. Thank you.

[applause].

LOU WICKHAM: Kia ora. You can hear me okay?

[inaudible background chat].

LOU WICKHAM: Kia ora. Thank you. Can I just take you back to something you read out and I was trying to write it down as fast as I could? I'm going to paraphrase and I want you to perhaps go back and read that, just that paragraph again. You said (this is my paraphrasing), previously we had rehabilitation undertaken in the wintertime. That's the paragraph, and I heard that you said there was not the adverse effects on air quality. Can you read that again please?

TEINA MALONE: That's all right.

LOU WICKHAM: Take your time.

TEINA MALONE: I said vegetation planting was undertaken annually during the winter months. As land was stabilised, we did not experience adverse effects on air quality.

LOU WICKHAM: Now I'm curious about that cos that sounded when things were a lot better and obviously we're interested in rehabilitation. How far away was that rehabilitation? How extensive was it and how would you compare it to ... because I've heard two things? I've heard that you're saying that that seemed to work. What was different then because now I'm hearing that when they're trying to do planting, it doesn't work. [inaudible 16:58].

TEINA MALONE: The problem is that they failed to rehabilitate and they've created this big exposed, vast landscape, which now obviously makes it very difficult for them to rehabilitate. Whereas if they had been doing what they were supposed to be doing, this never would have happened. This environment wouldn't exist as it does.

LOU WICKHAM: if I'm putting my Pollyanna hat on, I'm hearing that if you're doing a successive rehabilitation approach, which is much more sequential in stage, then it does have the potential to be successful.

TEINA MALONE: It was successful under New Zealand Steel is my understanding. I've tried to focus on what I've observed so that you can get that from our perspective, but from everything I've heard from people that have worked at the mine site, there used to be teams. My uncle was telling me yesterday actually there used to be whole teams that would go in and do this rehabilitation. Now they don't. We haven't observed any successful rehabilitation.

LOU WICKHAM: Another thing I'd like to explore with you is that in addition to successive rehabilitation, was it perhaps also assisted by the fact that it was located further away, because now we've got a mine right up on the boundary? Would that have assisted too, or is it simply that it wasn't [overspeaking]?

TEINA MALONE: No, it was a number of things. I think it was all factors. I think there were a few factors and one was the mining footprint was contained cos they were wet mining. They were rehabilitating, doing the annual works. They had the pine tree buffer. That was to the north, which had joined the ridgeline, which then adjoins us, so we had that protection. Then to the east, they had the pine tree buffer, so to the east is the village and the kura. Then, they took out the buffer, but they didn't just take out the buffer, they mined the land beneath the buffer, and then the land on the other side of this buffer that was supposed to be retained.

This is why I have significant concerns with how thoroughly these effects are looked at this time. I have concern that there would be any reliance on TIL's position that they currently hold consents to mine up to external boundaries because that is not accurate based on all documentation that I've reviewed. I'm talking about that assessment of effects from 2015.

LOU WICKHAM: That's going back to your statement position, which I've read about that, the conditions at the time of that consent being granted were in general accordance with, and it relied on that buffer.

TEINA MALONE: The assessment of effects, which referred to the buffer, referred to the contained mining footprint, and it referred to the activity being isolated from adjoining landowners.

LOU WICKHAM: That was very clear, thank you. Thank you. Thank you for help. That was very helpful.

MARTIN WILLIAMS: Okay, yeah. Sorry, I don't think I was recording before when I was asking a question about the Mitiwai Stream or I'm not sure if I had the microphone on before, so apologies if what I asked before to Tahaaroa Lakes Trust didn't come through.

Yeah, thank you, Teina, and thank you for being here representing the Roy Wetini Whaanau. This helps bring it to life as opposed to just reading things on the paper. It gives us an understanding of more context for what we've received in writing. One of the things that struck me in reading your comments was the emphasis on the rehabilitation within the 200 metre buffer, the makeup rehabilitation, the revegetation of it, but the thing that I was intrigued about (and I'm sure the Applicant will respond) is the idea of actually reinstating that ridgeline.

I'm not sure quite what volumes are involved. I'm not quite sure how long the process of removing the ridgeline was, so the volumes. Do you see that as being feasible from your perspective? How long do you think it would take? How do you see that working?

TEINA MALONE: Sorry, do you want to answer this?

ROY WETINI: I was just going to say we know it can be done because they told us it could be. They told us at one stage that it was their intention, so it can be done. How practical it is is not an answer that I can give you.

They're currently mining a ridgeline that we don't believe they have consent to mine, but that's our view. That's our opinion. If they continue to mine it, from what I recall, they have got the tailings, they'd use the tailings to reinstate that ridgeline.

TEINA MALONE: Our request to reinstate the ridgeline is reliant on what they told us. If they were being truthful, then yes, it can be done.

[End of Recorded Material: 22:22]