

## **Appendix H      Notice of Appeal**

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**Before the Environment Court  
Auckland Registry**

**I te Kōti Taiao O Aotearoa  
Tāmaki Makaurau Rohe**

ENV-2024-AKL-

In the matter of the Resource Management Act 1991 (**RMA**)

and

In the matter of an appeal under section 120 of the RMA.

Between

**Taharoa Ironsands Limited**

**Appellant**

and

**Waikato Regional Council**

**Respondent**

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Notice of Appeal by Taharoa Ironsands Limited

Dated 12 December 2024

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**MinterEllisonRuddWatts**

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**To:** The Registrar  
Environment Court  
**Auckland**

## **INTRODUCTION**

1. Taharoa Ironsands Limited (**TIL**) appeals parts of a decision made by Waikato Regional Council (**WRC**) in relation to an application (APP142035) by TIL for the necessary resource consents to authorise the continued operation of existing ironsands mining activities and associated shiploading activities at Taharoa Road, Taharoa and location NZTM 1745660mE, 5773436mN (**Application**).
2. The Application includes the replacement of existing resource consents on which TIL is continuing to rely under section 124(3) of the RMA.
3. WRC's decision in respect of the Application was:
  - (a) to grant the necessary resource consents sought by TIL for dry-mining activities subject to conditions;
  - (b) that the scope of the Application did not include wet-mining activities, cannot be amended to include wet-mining activities, and therefore the necessary resource consents associated with that activity could not be granted; and
  - (c) even if there was scope for WRC to grant the necessary resource consents to enable wet-mining activities, WRC did not have sufficient information to determine that part of the Application and would have declined the application under section 204(6) of the RMA.
4. TIL received notice of the decision made by an Independent Hearing Panel (**IHP**) on behalf of WRC on 22 November 2024.
5. TIL has a right to appeal the decision under section 120 of the RMA. The decision is not one of the activities excluded by section 120(1A) or (1B) of the RMA.
6. TIL is not a trade competitor for the purposes of section 308D of the RMA.

## SCOPE OF THE APPEAL

7. The specific parts of the decision that TIL appeals are:

- (a) The imposition of the following conditions which variously attach to the 11 resource consents granted by WRC:
  - (i) The 20-year term applied to all resource consents<sup>1</sup> granted by WRC;
  - (ii) Condition 2 and 5 of land use consent AUTH142035.01.01 relating to setback areas;
  - (iii) Condition 8 and 9 of land use consent AUTH142035.01.01 relating to stock exclusion and stock proof fencing;
  - (iv) Condition 11, 12 and 13 of land use consent AUTH142035.01.01 relating to rehabilitation and stabilisation;
  - (v) Condition 4 of water permit AUTH142035.02.01 relating to the residual flow rate in the Wainui Stream;
  - (vi) Condition 6 and 7 of water permit AUTH142035.02.01 relating to flooding of the Wainui Stream and Lake Taharoa;
  - (vii) Condition 9, 12 and 16 of water permit AUTH142035.05.01 relating to Lake Taharoa trigger levels;
  - (viii) Condition 17 of water permit AUTH142035.05.01 relating to the size of the water intake screen mesh;
  - (ix) Condition 3 and 7 of discharge permit AUTH142035.06.01 relating to the discharge of stormwater into the Wainui Stream;
  - (x) Condition 6, 8, 9, 10 and 11 of discharge permit AUTH142035.13.01 relating to discharges of stormwater and process water to water to the coastal marine area;

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<sup>1</sup> Land use consent AUTH142035.01.01, Water permit AUTH142035.02.01, Water permit AUTH142035.03.01, Water permit AUTH142035.05.01, Discharge permit AUTH142035.06.01, Discharge permit AUTH142035.07.01, Discharge permit AUTH142035.08.01, Coastal permit AUTH142035.09.01, Coastal permit AUTH142035.11.01, Coastal permit AUTH142035.12.01, and Coastal permit AUTH142035.13.01.

- (xi) In respect of the 'Schedule 1 General Conditions' applying to all resource consents<sup>2</sup> granted by WRC:
    - (aa) condition 35 regarding a public website.
    - (bb) condition 37 relating to monthly reporting.
    - (cc) conditions 40 – 52 relating to payment of a bond.
  - (xii) Condition 66 of the Schedule 2 General Conditions, relating to the Marine Monitoring Programme, applying to coastal permits AUTH142035.09.01, AUTH142035.11.01, AUTH142035.12.01, and AUTH142035.13 (and the associated reference to the Marine Monitoring Programme in condition 6 of AUTH142035.12.01).
- (b) The decision made in respect of wet-mining activities, including that:
- (i) the scope of the Application did not include wet-mining activities, and could not be amended to include wet-mining activities, and therefore that the following resource consents to enable wet-mining activities could not be granted:
    - (aa) a water permit to take water from dredge ponds during wet mining for the purpose of ship loading and ironsand mining operations (including the operations of the on-site plant nursery);
    - (bb) a water permit to divert groundwater in association with ironsand mining operations;
    - (cc) a discharge permit to discharge process water and surface water to the ground / groundwater via seepage into the sides and bottom of the dredge pond; and
  - (ii) even if there was scope to grant the necessary resource consents to enable wet-mining activities, sufficient information to determine the application was not provided and the

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<sup>2</sup> See above at n 1.

application would have been declined under section 204(6) of the RMA.

8. TIL does not appeal the part of the decision to grant the resource consents associated with dry-mining activities (only the conditions, as noted above).

## LAND AND RESOURCE AFFECTED

9. The land / resource to which the decision relates is:
  - (a) the central and southern blocks of the existing Taharoa Ironsand Mine, being the land with the legal description "Taharoa C Block" at Taharoa Road, Taharoa; and
  - (b) the coastal marine area adjacent to the central block of the Taharoa Ironsand Mine, including the area occupied by a mooring buoy (NZTM 1745860mE, 5773436mN) and shiploading pipeline.
10. The reasons for the appeal are set out below.

## GENERAL REASONS FOR THE APPEAL

11. In general, the parts of the decision to which this appeal relates:
  - (a) will cause the Taharoa Ironsand Mine (**Mine**) to close, resulting in devastating impacts on the local community, and preventing regionally and nationally significant positive effects associated with the Mine from being realised;
  - (b) fail to properly take into account the significant positive effects of the Mine;
  - (c) fail to properly recognise the significant level of existing investment in the Mine;
  - (d) fail to properly recognise the practical realities of operating an ironsand mine and the best practicable option to manage effects;
  - (e) are inconsistent with applicable law and sound resource management practice;

- (f) are not supported by evidence and do not afford appropriate weight to TIL's expert and non-expert evidence;
- (g) do not promote the sustainable management of resources, and are inconsistent with the purpose and principles and relevant provisions of the RMA;
- (h) do not represent the efficient use and development of natural and physical resources;
- (i) do not manage natural and physical resources in a manner that enables the community to provide for its social and economic wellbeing; and
- (j) will not meet the reasonably foreseeable needs of future generations.

#### **SPECIFIC REASONS FOR THE APPEAL**

12. In addition, without limiting the generality of the above, TIL appeals the relevant parts of the decision for the following specific reasons.

#### **Wet mining**

13. TIL appeals the part of the decision which found that the scope of the Application did not include wet-mining activities, and could not be amended to include wet-mining activities, and therefore that the necessary resource consents to enable TIL to continue wet-mining activities could not be granted, for the following specific reasons:
- (a) The decision incorrectly assesses whether TIL can amend its application to include wet-mining activities. TIL has never sought to amend the Application; its position being that the Application includes this activity;
  - (b) The decision fails to properly engage with, and apply, the relevant law in relation to determining the scope of a resource consent application. For example, the decision fails to apply the following factors that have been developed by the courts and are relevant to determining the

scope of a resource consent application:<sup>3</sup> the ‘substance and gist’ of the Application, the context of the Application, and whether the correct process was followed in respect of the Application;

- (c) The decision fails to accurately summarise the history of wet-mining activities at the Mine, demonstrating a lack of understanding of the activity. This history is relevant to understanding the context, and therefore the scope, of the Application. In particular, the decision fails to recognise the fact that wet-mining has long been undertaken at the Mine since it was established in the 1970s, including under TIL’s existing resource consents<sup>4</sup>. It was the primary method of mining when the existing resource consents were granted and was so up until the current owners of the Mine acquired the business in 2017.
- (d) The decision incorrectly determined that to establish scope, the RMA requires a proposed activity to be described in an Application by reference to the specific section of the RMA (ss 9 – 15B) and rule in the relevant plan (including activity status) that are breached. The decision fails to correctly identify that:
  - (i) The RMA requires that the proposed “activity” is described,<sup>5</sup> and that the type of resource consent required for that activity (e.g. air discharge permit, water permit, land use consent, coastal permit or subdivision consent) is specified in the Application;<sup>6</sup>
  - (ii) There is clear authority for the position that the particular rule in a plan breached by a proposed activity does not need to be specified – it is the activity that is applied for, not the breach of a particular rule;<sup>7</sup> and

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<sup>3</sup> Including *Sutton v Moule Court of Appeal* (1992) 2 NZRMA 41, *Epsom Normal Primary School Board of Trustees v Auckland City Council* A011/95, *Marlborough District Council v Zindia Limited* [2019] NZHC 2765, *Manners-Wood v Queenstown Lakes District Council* NZEnvC Wellington W077/07, 12 September 2007 at [25].

<sup>4</sup> Under which TIL is continuing to rely on under section 124(3) of the RMA.

<sup>5</sup> As required by cl 2(1) in Schedule 4 of the RMA and referenced in ss 88 and 92 of the RMA.

<sup>6</sup> As required by Form 9 of the Resource Management (Forms, Fees and Procedure) Regulations 2003.

<sup>7</sup> See, for example, *Arapata Trust v Auckland Council* [2016] NZEnvC 236.

- (iii) The Application meets these requirements, and the proposed activities were sufficiently described.
  - (e) The decision fails to recognise that the level of information contained within the Application was sufficient to enable WRC and potentially affected parties to adequately understand the potential effects of the Application for the purposes of making a notification decision and for WRC to process the application, and that additional information can continue to be provided about effects and the consistency of the activity with the relevant planning framework up until an application is determined;<sup>8</sup>
  - (f) Inconsistent with various authorities,<sup>9</sup> the decision unfairly enabled legal niceties to triumph and has descended into procedural technicalities; and
  - (g) Had the decision correctly applied the relevant law, it would have found that the Application meets the information requirements of the RMA and that the scope of the Application included wet-mining activities, and therefore that it had the ability to grant the necessary resource consents to enable those activities to continue.
14. TIL appeals the part of the decision which found that even if there was scope for WRC to grant the necessary resource consents to enable wet-mining activities, WRC did not have sufficient information to determine the application and would have declined the Application under section 204(6) of the RMA, for the following specific reasons:
- (a) Information provided as part of the Application, including in TIL's evidence, was in sufficient detail and was commensurate with the scale of the application and level of effects;
  - (b) The decision fails to appropriately weigh the expert evidence presented by TIL and the John David Keepa Kupa Whanau Trust on the effects of wet-mining, and give sufficient weight to TIL's technical

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<sup>8</sup> *Whakatipu Environmental Society Inc v Queenstown Lakes District Council* EnvC135/02 at [10] adopting the finding of the Planning Tribunal in *Darroch v Whangarei District Council* A/18/93 at page 27.

<sup>9</sup> Including *Body Corporate 97010 v Auckland City Council* CA/64/100 and *Sutton v Moule* Court of Appeal (1992) 2 NZRMA 41.

evidence, particularly in relation to hydrological effects, which is more comprehensive, informed by technical assessments and presented by an experienced and senior technical expert;

- (c) The decision fails to recognise that wet-mining has been undertaken at the Mine for many years and the adverse effects associated with the activity are generally well understood;
- (d) The Independent Hearing Panel failed to understand and properly test TIL's evidence on wet-mining at the hearing of the Application. Had it done so it would have been able to close any gaps in its understanding of wet-mining effects and effects management; and
- (e) The decision fails to properly take into account how the conditions of consent proposed by TIL, including the Mitiwai Stream Monitoring and Mitigation Plan, will effectively manage the potential effects of wet-mining as part of the information presented on the proposed wet-mining activities.

## Conditions

15. TIL appeals the conditions of consent identified in paragraph (6)(a) on the basis that the conditions generally:
  - (a) Are inconsistent with the requirements of section 108AA of the RMA, including because they are not directly connected to an adverse effect of the activity on the environment determined in expert evidence; and/or
  - (b) Are inconsistent with the principles of reasonableness set out in *Newbury DC v Secretary of State for the Environment*,<sup>10</sup> because they:
    - (i) Do not fairly and reasonably relate to the activity sought to be authorised; and

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<sup>10</sup> *Newbury District Council v Secretary of State for the Environment* [2980] 1 All ER 731 (HL), expressly endorsed in the context of the RMA in *Housing NZ Ltd v Waitakere City Council* [2001] NZRMA 202 (CA) and *Waitakere City Council v Estate Homes Ltd* [2007] 2 NZLR 149 (SC)).

- (ii) Are unreasonable because they are materially impractical to implement, for operational reasons, and therefore may frustrate the ability for TIL to implement the consent.
  - (c) Are not necessary to mitigate the potential adverse effects of TIL's proposed activities;
  - (d) Do not reflect the best practicable option for TIL to manage effects while continuing its ironsand mining operations;
  - (e) Will unreasonably constrain TIL's operations and will not enable the efficient use and development of natural and physical resources;
  - (f) Are not appropriately supported by evidence in that they:
    - (i) are inconsistent with and do not adopt the recommendations of expert evidence;
    - (ii) are inappropriately informed by lay-evidence on technical matters; and
    - (iii) are not informed by a weighting exercise of the evidence presented on technical matters.
  - (g) Are inconsistent with the objectives, policies and provisions of the relevant planning instruments, including the Waikato Regional Plan (**WRP**) and the Waikato Regional Coastal Statement.
16. In addition to the general reasons set out in paragraphs 10 and 15 above, TIL appeals the basis on which specific conditions were imposed as set out below:

***Term of all consents granted:*<sup>11</sup>**

17. The reason given in the decision for imposing a 20-year term of consent was due to perceived residual uncertainty regarding the effectiveness of conditions relating to ongoing consultation and the provision of information to mana whenua. This decision:

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<sup>11</sup> See footnote [2].

- (a) Fails to give appropriate weight to all relevant matters that contribute to determining an appropriate term of consent. In particular it:
  - (i) fails to give appropriate weight to the significant positive effects of the Application, including the direct economic and social benefits the Mine provides to the Proprietors of Taharoa C Block (landowners), the employees of TIL, and the local and regional community;
  - (ii) fails to properly recognise the significant level of capital investment which has been made in the Mine as required under section 104(2A) of the RMA, and the regional and national significance of the Mine;
- (b) Fails to recognise that the most appropriate way to address the uncertainty issue identified in the decision is by way of a review condition of consent (rather than a reduction in term). The decision records that “a term of 20 years strikes an appropriate balance” to address uncertainty in the absence of a review condition while recognising the possible lifespan of the Mine and the need for economic certainty.<sup>12</sup> However, the conditions imposed do include a condition which enables a review of the effectiveness of conditions in avoiding or mitigating any adverse effects on the environment. This condition is broad enough to capture the uncertainty raised in the decision regarding the effectiveness of the consultation and provision of information conditions;
- (c) Is flawed (and premature) in finding that the conditions relating to ongoing consultation and the provision of information to mana whenua may not be effective in the future;
- (d) Fails to recognise or give sufficient weight to the fact that the Mine is located on Māori land, and the Application is supported by the Māori landowners; and

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<sup>12</sup>

Decision at [557].

- (e) Fails to recognise that a consent duration of 35 years is consistent with other consents granted by WRC for large scale industrial activities where commercial certainty is required.

***Condition 2 and 5 of land use consent AUTH142035.01.01 – Setbacks:***

18. The conditions impose setbacks of 200m from the boundaries of third-party properties to reduce potential nuisance effects; a setback of 100m from the Mitiwai Stream; and a setback of 100m from all natural inland wetlands.
19. These setbacks will significantly constrain mining activities, depart significantly from setbacks applied to the activity in the past, and will reduce the ability of the Mine to generate positive effects.
20. Additionally, the setbacks are not reasonably necessary to appropriately mitigate the potential adverse effects of the proposed activities.
21. In relation to the imposition of a 200m boundary setback, WRC's air quality expert gave oral evidence that this was "probably a pretty safe number to come up with".<sup>13</sup> This evidence was found to be "persuasive" in the decision<sup>14</sup> despite it being contrary to expert evidence presented on behalf of TIL, the recommendations in WRC's section 42A report, and submissions on the Application. The decision to impose this setback also fails to properly acknowledge that air discharges associated with the proposed activities are a permitted activity under the RMA and other conditions of consent area adequate to manage air discharges.
22. The imposition of a blanket 100m setback from natural inland wetlands:
  - (a) amounts to a refusal to grant a consent under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (**NES:F**) to undertake mining activities within 100m from those wetlands;
  - (b) appears to be partly based on effects relating to cultural values, but no clear reasoning is provided in the decision, and in any case a setback

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<sup>13</sup> Decision at [186].

<sup>14</sup> Decision at [193(e)].

of 100m (opposed to the 30m proposed by TIL) is not necessary to appropriately manage any such effects;

- (c) is inconsistent with expert evidence presented on the matter, particularly in relation to the effects of dry-mining; and
- (d) provides no flexibility to TIL where it can be demonstrated that wet mining closer to 100m from a natural inland wetland has no adverse effects on that wetland, and is inconsistent with the requirements of the NES:F.

***Conditions 11, 12 and 13 of land use consent AUTH142035.01.01 – Rehabilitation:***

- 23. Conditions have been imposed which dictate the extent and timing of rehabilitation activities. These rehabilitation conditions are impractical and unworkable with TIL's mining approach. To that extent, they may frustrate TIL's ability to give effect to the relevant consent.
- 24. The decision to impose these conditions fails to have proper regard to other conditions of consent, including the Site Rehabilitation Plan, which will appropriately address rehabilitation of the site in a manner that is compatible with TIL's operations, and which provide indicative timeframes.
- 25. These conditions also require TIL to rehabilitate previously mined unrehabilitated areas at the commencement of the consent. The decision to impose this condition fails to properly consider the 'existing environment' and is punitive. It is inappropriate to impose conditions of a punitive nature. In any case, any suggestion that TIL has not previously complied with rehabilitation obligations is tenuous.

***Condition 17 of water permit AUTH142035.05.01 – Water intake screen mesh size:***

- 26. A condition has been imposed requiring that the mesh size of the water intake screen be 1.5mm in accordance with the policy direction of the WRP.

27. The decision to impose this condition fails to recognise the impact that such a requirement will have on mining operations and is unreasonable in the circumstances.
28. Further, the decision suggests that the condition has been imposed to conform with a requirement in the WRP.<sup>15</sup> There is no absolute requirement of this nature in WRP; an activity is not prohibited from diverging from the relevant WRP standards if it is appropriate in the circumstances.

***Condition 8 and 9 of land use consent AUTH142035.01.01 – Stock fencing:***

29. Conditions have been imposed requiring TIL to exclude livestock and horses and otherwise remove them as soon as reasonably practicable. The conditions also require stock fences to exclude livestock from planted buffers and rehabilitated areas.
30. The decision to impose these conditions fails to appropriately take into account a number of relevant factors, including that that the stock present on the Mine from time to time are strays owned by third-parties and those parties have legal obligations to keep the stock from the mine site, the practical difficulties of complying with such a condition and the systems TIL has in place to manage stock.
31. Further, there is no direct connection between stray stock and the management of an adverse effect of the proposed activities.

***Condition 4 of water permit AUTH142035.02.01 – Residual flow rate in the Wainui Stream:***

32. This condition requires the residual flow rate of the Wainui Stream to be maintained at a rate of “no less than” 160 l/s in accordance with the WRP.
33. The decision to impose this condition fails to take into account technical assessments provided in expert evidence on an appropriate flow-rate (being a minimum residual flow of 39l/s) and other site-specific factors which were agreed at expert conferencing.

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<sup>15</sup> Decision at [113].

34. The residual flow rate imposed is also not directly connected to an adverse effect of the Application and may give rise to increased lowering of lake levels during dry years/drought periods (creating an adverse effect and negatively affecting TIL's operations).
35. The decision instead takes policy direction from the WRP to support the imposition of the condition over expert evidence, failing to recognise that it is appropriate to depart from this policy in the circumstances.

***Condition 6 and 7 of water permit AUTH142035.02.01 – Flooding:***

36. These conditions, which are intended to mitigate flooding associated with the damming of Lake Taharoa, do not fairly relate to an adverse effect of the proposed activity. The conditions have been imposed without proper regard to expert hydrological evidence that flooding of Taharoa Road is largely a matter outside of TIL's control.
37. These conditions are also not sufficiently certain. The requirement to manage flooding is limited to what is reasonably practicable – it is not clear what action would amount to this standard to ensure compliance.

***Condition 9,12 and 16 of water permit AUTH142035.05.01 - Lake Taharoa trigger levels:***

38. These conditions require that water must not be taken from Lake Taharoa when the water level is less than 8.53 metres RL Moturiki Vertical Datum and set out what TIL must do if the level of Lake Taharoa drops below 9.6 metres RL Moturiki Datum.
39. These conditions include an error in that the current 8.53 metre and 9.6 metre RL figure is relative to TIL's local datum survey marker, rather than the Moturiki Vertical Datum which has a 2-metre variance to the figures identified in these conditions.
40. These conditions therefore create workability issues for TIL to comply with and incorrectly record where the lake trigger levels should be taken from.

***Condition 3 and 7 of discharge permit AUTH142035.06.01 - Discharge of stormwater to the Wainui Stream:***

41. These conditions require a water sample to be collected upstream and downstream of the discharge point within 24 hours of a discharge and for that sample to be analysed for turbidity, pH, heavy metals and hydrocarbons.
42. TIL has sought consent to authorise minor and irregular discharges to the stream, including runoff. Requiring discharges of this nature to be monitored to the extent required by the conditions is disproportionate to the scale and significance of the potential adverse effects of this incidental activity. It would also be difficult to know when sampling should be triggered and how to measure an incidental diffuse discharge.
43. The requirement to monitor “heavy metals” in these conditions has also been imposed without the support of any technical evidence presented in relation to freshwater ecology effects and is vague.
44. Further, this requirement is not necessary to manage the potential effects of stormwater discharges, and the condition lacks necessary specificity in that it fails to identify the specific metals to be monitored.

***Condition 6, 8, 9, 10 and 11 of discharge permit AUTH142035.13.01 – Discharge of stormwater and process water to the Coastal Marine Area:***

45. Monitoring conditions, particularly monitoring of pH, heavy metals and hydrocarbons, have been imposed without the support of technical evidence and no reasoning is provided in the decision for their imposition.
46. The conditions are not reasonably necessary to manage the effects of stormwater and process water discharges to the CMA, which are temporary and minor.
47. Further, the conditions lack sufficient clarity or criteria and include practical workability issues.

***Condition 35 and 37 of Schedule 1: General Conditions relating to the reporting and dissemination of information:***

48. This information requirements for the publicly available website required by condition 35 are onerous and go beyond what the relevant experts agreed was sufficient to be made publicly available at expert conferencing on environmental management.
49. A condition has been imposed requiring monthly reporting to WRC of all monitoring results. The condition is unnecessary and duplicative as relevant monthly data is already required by the conditions of consent to be published on a publicly available website and included in an annual report to WRC.

***Condition 66 of the Schedule 2 General Conditions, relating to the Marine Monitoring Programme, applying to coastal permits AUTH142035.09.01, AUTH142035.11.01, AUTH142035.12.01, and AUTH142035.13:***

50. The conditions include a marine monitoring programme which is not necessary to manage the deposition effects of stormwater and process water discharges to the CMA, which the decision accepts are likely to be low.<sup>16</sup>
51. In addition, the condition is unduly onerous (requiring monitoring for up to 10 years if no trend in effects is identified), lacks sufficient clarity and contains workability issues e.g. it is not clear what samples must be analysed for (other than for the purpose of determining the fate and distribution of sediment discharged).

***Conditions 40 – 52 of Schedule 1: General Conditions – Bond:***

52. In imposing a bond on TIL in the conditions, the decision fails to properly take into account special circumstances that apply in respect of the Application which indicate that a bond is not appropriate or necessary. This includes the status of the landowners as kaitiaki and other contractual arrangements requiring compliance with conditions.
53. In addition, the condition which has been imposed is unreasonable because:

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<sup>16</sup> Decision at [105].

- (a) it includes no transitional arrangement to reflect that mining is already occurring and there is currently a bond in place. The condition could be interpreted to require the Mine to close while the bond is being determined (because the consent cannot become 'operative' until a bond under the consent is provided to WRC); and
- (b) it onerously, and unnecessarily, requires the bond to be set every year (with the cost of this being placed on the consent holder).

## **RELIEF SOUGHT**

54. TIL seeks:

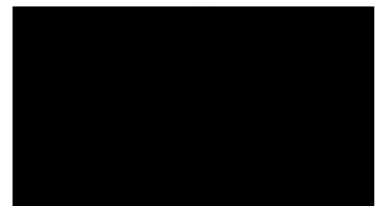
- (a) that the appeal be allowed;
- (b) a finding that wet-mining activities fall within the scope of the Application;
- (c) the necessary resource consents required to enable wet-mining activities to continue are granted subject to the conditions proposed by TIL at the conclusion of the hearing (or such other amendments to those conditions or any other conditions of the resource consents as may be proposed by TIL);
- (d) the specific conditions of the resource consents granted by WRC that TIL has appealed are replaced with the corresponding conditions proposed by TIL at the conclusion of the hearing (or such other amendments to those conditions or any other conditions of the resource consents as may be proposed by TIL);
- (e) any other consequential amendments (as may be proposed by TIL) to the conditions of the resource consents granted in relation to the Application to address the matters raised in this appeal; and
- (f) costs.

## **DOCUMENTS ATTACHED TO THIS NOTICE**

55. Attached to this notice of appeal is:

- (a) A copy of TIL's Application (**Annexure A**);
- (b) Other documents necessary for an adequate understanding of the appeal:
  - (i) A copy of TIL's section 92 response in relation to the Application (**Annexure B**);
  - (ii) A copy of the Assessment of Dewatering Effects on the Mitiwai Stream – dated January 2023 (**Annexure C**);
  - (iii) A copy of the Lake Taharoa Hydrology Assessment – Bathymetry and LiDAR Analysis – dated May 2024 (**Annexure D**);
- (c) A copy of the decision (**Annexure E**);
- (d) A copy of the conditions proposed by TIL at the conclusion of the hearing (**Annexure F**); and
- (e) A list of names and addresses of persons to be served with a copy of this notice (**Annexure G**).

**DATED** at Auckland this 12<sup>th</sup> day of December 2024



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**Stephanie de Groot / Holly-Marie  
Rearic**  
Counsel for the Appellant

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### **Advice to recipients of copy of notice**

#### *How to become party to proceedings*

You may be a party to the appeal if,—

- (a) within 15 working days after the period for lodging a notice of appeal ends, you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, you serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

#### *Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch