
MINUTE 23 OF THE EXPERT PANEL

Suspension of Processing and Procedural Concerns
Central and Southern Block Mining Project
[FTAA-2512-1153]

(4 August 2026)

- [1] This Minute addresses a request for suspension of processing of the Application and procedural concerns raised by the Applicant.

Request for Suspension

- [2] On 30 July 2026, the Panel received a memorandum from the Applicant (Memorandum) requesting a suspension of processing to allow further time to prepare a robust and comprehensive response to the Panel's further request for information (**Further RFI**) issued following the Panel Facilitated Conference (PFC), aspects of which involve engagement between the respective parties' experts to resolve outstanding issues relating to conditions, and additional matters raised at the PFC that the Applicant wishes to respond to. These responses are in addition to the Applicant's intended response to matters discussed at the hui at Aaruka Marae.
- [3] For these reasons, the Applicant requests that the Panel exercise its discretion to suspend the processing of the Application in accordance with section 62 of the FTAA for a period of 21 working days.
- [4] In respect of the procedural steps currently set down by the Panel, the Applicant requests that the Panel defer the relevant dates by a period equivalent to the suspension sought, after processing of the Application resumes.
- [5] The Applicant has confirmed it has no objection to the Panel, its advisors, or the EPA to continue work on the application throughout the period that processing is suspended.
- [6] The Panel has considered the memorandum from the Applicant and decided to grant the request for the 21 working day suspension.
- [7] In relation to the Applicant's response to matters discussed at the hui at Aaruka

Marae, the Panel agrees that this response can be provided in-person as also requested by the Applicant.

- [8] Further, and as previously signalled,¹ the Panel will provide the Applicant with an opportunity to respond to any additional matters discussed at the PFC that it wishes to raise, to be presented (in person) at the same time. Reasons for providing this opportunity are addressed in the following section of this Minute.
- [9] Accordingly, the Panel agrees:
- (i) That the Application is suspended for a period of 21 working days from Monday 3 August 2026 to Monday 31 August 2026, with the Application resuming processing on Tuesday 1 September 2026;
 - (ii) The Applicant's response to the Panel's Further RFI, will be due on Tuesday 1 September 2026;
 - (iii) The Applicant's written response to matters discussed at the hui at Aaruka Marae and any other matters arising from the PFC will be due on Thursday 3 September 2026;
 - (iv) The Applicant's in - person presentation of its responses to the matters in (iii) above will be provided on Friday 4 September 2026 (at a time to be advised).
 - (v) The Panel's draft decision and conditions will be due on Monday 21 September 2026; and
 - (vi) The Panel's decision on the Application will be due on Wednesday 7 October 2026.

Procedural Concerns

- [10] The Applicant's Memorandum of 31 July raises a range of concerns about the procedures the Panel has followed since appointed, advising that the Applicant is "thoroughly dissatisfied" with the process adopted by the Panel to date. The Applicant considers that the process has been procedurally unfair and has prejudiced the Applicant's ability to present its case in support of the application.² The Applicant records that it wants to ensure that it is properly heard and that the Panel is informed of all relevant matters about the Application to make a robust decision.³

¹ As the Applicant acknowledges, at paragraph 37 of their memorandum dated 30 July 2026.

² *Ibid.* At [6].

³ *Ibid.* At [8].

- [11] The Panel takes these concerns regarding issues of procedural fairness very seriously, being conscious that our decision is critical to both present and future operations of the Applicant,⁴ and to the environment and local community, including mana whenua.
- [12] Having considered the matters raised in the Memorandum and carefully reviewed its processes and the EPA records of proceedings to date, the Panel records its view that much of the content of the Memorandum is without substance. The Panel notes the repetition of matters canvassed in previous Memoranda of Counsel for the Applicant that have been addressed by the Panel in previous Minutes (most notably as to the hui at Aaruka Marae, and the hui held at Te Kooraha Marae on 2 May).⁵
- [13] At all stages the Panel has strived to adopt an efficient and effective process regarding a reasonably complex application with a significant consenting history within challenging timeframes, while being careful to maintain fairness to *all* parties.
- [14] The Panel also considers that the issues raised in the Memorandum primarily go to the weight, rather than relevance, of information received by the Panel in the process steps it refers to, as addressed further below.
- [15] The Panel considers that any perceived prejudice would be addressed by the opportunity afforded to the Applicant to present such fulsome a response as it considers appropriate in relation to the hui at Aaruka Marae, and now to the PFC. The Panel confirms that the transcript of the hui provided to the Applicant is the full record of information it needs to respond to (this point also being addressed further below).⁶
- [16] In relation to remaining matters raised in the Memorandum, and for the record, the Panel further notes as follows.
- (a) The Panel has substantial experience in RMA practice and decision making and fully understands the distinction between independent expert opinion and statements of party position.⁷ The PFC was squarely focused on the former, with relative weight to the information received at the PFC to be applied accordingly.
 - (b) At the PFC the Applicant was represented by independent experts in the various disciplines directly relevant to the conditions addressed, and also by its planning advisor, legal advisor and external and staff mining engineers to enable the Applicant to address matters of practicality and

⁴ *Ibid.* at [44].

⁵ Refer Minute 9 and Minute 14.

⁶ Memorandum of Counsel for the Applicant dated 30 July 2026 at [24].

⁷ *Ibid.* at [32 (b)] and [34].

reasonableness of conditions. This included Mr Coffey and TIL staff, who spoke directly to the Panel at the PFC, including on matters of position.⁸

- (c) The Panel considers it artificial and unrealistic to attempt to draw sharp or formalistic distinctions between statements of position and opinion, at a necessarily fast-moving PFC, particularly when involving mātauranga Māori considerations (where the experts are necessarily parties). The Applicant is reminded that, for any form of hearing under the Act, a Panel must avoid unnecessary formality and may receive information whether or not it would be admissible in a Court of law.
- (d) The Panel is also adept at disregarding unsolicited information, as quite frequently happens during morning tea or lunchbreaks at RMA hearings.⁹ The Panel confirms, as it stated at the hui (after the lunch break), that it can and would only consider evidence and information presented at the hui proper - the full transcript of which is available to the Applicant (as noted above), to ensure the Applicant is aware of the case it needs to respond to in that respect.
- (e) All parties were placed under time constraints at the PFC not just the Applicant.¹⁰ The Panel recalls asking one of the final mana whenua presenters to be brief for this reason. The extent of questioning of an expert or party at the PFC is not a reflection of the weight or significance the Panel will place on the information received.¹¹
- (f) Some of the points raised in the Applicant's memorandum cut both ways. The Applicant is reminded that, at its request, the Panel agreed that no other parties needed to attend the Overview Conference.¹² Further, the Panel received a presentation regarding operational matters at the first site visit which has been withheld from other parties due to stated commercial sensitivity, and received unsolicited comments (straying beyond operational matters and into advocacy)¹³ which it has disregarded (on the same basis as with point (d) above).
- (g) For the record, lunch arrangements for the first site visit were as proposed by the Applicant, including for Panelists to bring their own lunch.¹⁴ The Panel was conversely mindful to respect the tikanga of mana whenua at the hui, where to not have received and eaten lunch as offered to the Panel as manuhiri would likely have offended that tikanga (similarly with morning

⁸ One example being Mr Coffey's clear statement of position on the water intake fish screening issue.

⁹ Memorandum of Counsel for the Applicant dated 30 July 2026 at [24]] and [26](b).

¹⁰ *Ibid.* At [32 (a)]

¹¹ *Ibid.* At [32 (d)].

¹² Memorandum of Counsel for the Applicant dated 7 April 2026 at [10].

¹³ Noting paragraphs [12] and [13] of Memorandum of Counsel for the Applicant in this respect.

¹⁴ Memorandum of Counsel for the Applicant dated 30 July 2026 at [26 (a)].

tea at the hākari after the welcoming pōwhiri).

- [17] The Panel reiterates that it does not consider the Applicant's various (and now repeated) complaints about process to have merit.
- [18] Natural justice and fairness to all parties has and will continue to be the overriding consideration for the Panel's decision-making regarding processes and procedures. The Panel is satisfied that natural justice is achieved with the directions set out above, being essentially as previously made or signalled (but now deferred through the requested suspension) to ensure no prejudice arises to the Applicant.

A handwritten signature in blue ink, appearing to read 'D Serjeant', with a stylized, cursive script.

Dave Serjeant
Central and Southern Block Mining Project Expert Panel Chair