

5 December 2025

## Via the Application Portal

Environmental Protection Authority  
Attention: Fast-track team  
Private Bag 63002  
Wellington 6140

Dear Fast-track team

### Introduction

1. We act for Taharoa Ironsands Limited (**TIL**) which operates the Taharoa Ironsands Mine on the west coast of the North Island.
2. Enclosed for filing is a substantive application for the Central and Southern Block Mining Project in respect of the Mine, submitted on behalf of TIL, under section 42 of the Fast-track Approvals Act 2024 (**FTAA**). The Project is a listed project under Schedule 2 of the FTAA.
3. This is the second time that TIL is lodging its substantive application for the Project with the EPA. TIL's original application was returned by the EPA on 26 November 2025 because (in short) the EPA considered that TIL was required to comply with the requirements of section 30 of the FTAA and it had not taken that step. TIL did not take that step when preparing its original application because it considered that section 30 did not apply. In any case, TIL has now remedied the issue by obtaining written notices from the relevant consenting authorities under section 30(3)(b) of the FTAA.
4. Below we confirm the documents compiling TIL's substantive application, changes made to TIL's substantive application following original lodgement (to hasten completeness checks) and comment on the application fee and levy.

### Documents compiling TIL's substantive application

5. TIL's substantive application consists of a Substantive Application Report accompanied by a comprehensive set of appendices (A - MM) which collectively provide the information required under the FTAA. We have also provided a covering memorandum of counsel for the Panel Convenors and the Panel (when appointed) providing an overview of the application and addressing key issues, procedural matters and the statutory framework.
6. We have provided two copies (one redacted and one non-redacted copy) of some of the application documents:
  - (a) **Privacy redactions:** Names and contact details have been removed from the redacted version of the following documents to safeguard privacy and to prevent any unintended disclosure of personal information:
    - (i) Substantive Application Report;
    - (ii) Appendix A – Substantive Application Form;
    - (iii) Appendix B - List of Owners/Occupiers of adjacent land;
    - (iv) Appendix X – Archaeological Authority Application Bundle;
    - (v) Appendix Y – Register of Consultation;

- (vi) The proof of consultation in Appendix KK; and
- (vii) Appendix MM – Consent Authority S30(3) Notices.

(b) **Commercial sensitivity redactions:** Specific tax and/or commercial information has been removed from the redacted version of the following documents due to their commercially sensitive nature. Disclosure of this information is likely to prejudice TIL's commercial position and is not necessary for general public understanding of the Project or its economic benefits:

- (i) Substantive Application Report;
- (ii) Memorandum of Counsel accompanying the application;
- (iii) Appendix C - Economic Assessment; and
- (iv) Appendix N – Hydrogeology Assessment.

7. TIL respectfully requests that the EPA ensures only the redacted versions of these documents are released publicly / made publicly available. This is on the basis that there is good reason for withholding the redacted information under section 9 of the Official Information Act 1982 (as noted above), and the public interest in the redacted information does not outweigh the need to protect it.

#### **Changes made to TIL's substantive application since original lodgement**

- 8. As noted above, TIL has remedied the issue identified by the EPA in its completeness checks of TIL's original Fast-track application for the Project. Written notices issued by the consent authorities under section 30(3)(b) are now attached to TIL's Substantive Application Report as Appendix MM.
- 9. TIL has also made some other minor amendments to its substantive application since it was originally filed. These changes consist of minor updates due to the passage of time since the original application was filed, correction of some typos and incorporation of further information that was provided to the EPA during completeness checks of TIL's original application.
- 10. The following documents have been amended:
  - (a) Substantive Application Report – at:
    - (i) Contents Page, to refer to new Appendix MM;
    - (ii) Page 16 at Table 2.1 to refer to the notices under section 30(3)(b);
    - (iii) Page 23 and 108 to correct typos and update Table 2.3 in respect of section 30(3)(b);
    - (iv) Page 70 to refer to the written approval provided by Taharoa C;
    - (v) Page 73 to refer to further engagement and inclusion of proof of consultation on the Wildlife Approval application;
    - (vi) Page 75 and 76 to note consultation with Waitomo District Council and Waikato Regional Council under section 30;
    - (vii) Page 113 and 114 to address information requirements relating to hazardous installations; and
    - (viii) Page 155 to refer to proof of consultation being enclosed with the Wildlife Approval;
  - (b) Appendix A – Substantive Application Form – to change the approach to section 30;

- (c) Appendix Y – Register of Consultation – throughout, to refer to further engagement;
- (d) Appendix Z – Summary of Consultation – at “Approach to consultation on Fast-track application” to note when various parties were provided with an updated copy of the application;
- (e) Appendix KK – Wildlife Approval – to incorporate proof of consultation;
- (f) New Appendix MM – to provide the consent authority section 30(3) notices;
- (g) Memorandum of Counsel – consequential edits to paragraphs [9], [32], [64] new [89], [91], [94], [95]-[97] and [106] to reflect the above amendments.

11. The remaining documents forming TIL’s substantive application are identical to those reviewed by the EPA and other government agencies when checking the completeness of TIL’s original application.

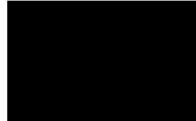
#### **Application fee and levy**

- 12. TIL is awaiting a refund of the application fee it paid in respect of its original application, minus any deductions towards the costs incurred by the EPA and government agencies in respect of the EPA’s completeness checks. Following this refund, TIL will pay the application fee in respect of this (re-filed) application.
- 13. In addition, TIL respectfully requests that the EPA exercise its discretion under clause 7 of the Fast-track Approvals (Cost Recovery) Regulations 2025 (**Regulations**) to waive the requirement for TIL to pay a levy in respect of its re-filed application.
- 14. Clause 7 of the Regulations expressly provides that the EPA may, in any particular case grant an exemption, waiver, or refund of all or part of a levy. This power exists to ensure flexibility and fairness in cost recovery. In this instance it is fair, proportionate and appropriate to waive payment of the levy because:
  - (a) TIL has already paid the \$149,000 levy in respect of its original application for the Project;
  - (b) TIL’s original application was returned by the EPA just 20 working days after acknowledgment of filing was received on 7 November (and 25 working days of being formally lodged). This was due to a minor ‘gap’ in the application documents. While TIL has a different view to the EPA on whether there was a gap, it has adhered to the EPA’s requirements and is re-filing its application efficiently within seven working days of its return.
  - (c) The levy is intended to fund system-wide/overhead costs. These were likely minimal during the short period the EPA was processing TIL’s original application. The steps taken by the EPA in that period included attendances related to the payment of the application fee and levy and completeness checks. The EPA is able to recover its costs in respect of those processing steps.
  - (d) The amendments which have been made to TIL’s original application (as set out above) are minimal, meaning that the EPA’s completeness checks for its re-filed application can be expedited, reducing any associated system-wide/overhead costs.
  - (e) Requiring TIL to pay the levy again would result in disproportionate and duplicative charges, would place an unreasonable financial burden on TIL, and risk undermining the principles of fairness and efficiency which underpin the Fast-track regime.
  - (f) Exercising this discretion would also be consistent with the intent of clause 7, which expressly anticipates waivers in appropriate circumstances to ensure fairness. Granting the waiver

would encourage efficient engagement with the Fast-track process and avoid unnecessary duplication of costs, which is in the public interest.

15. If you have any queries in relation to the application, please direct them to us.

Yours sincerely  
**MinterEllisonRuddWatts**



Stephanie de Groot  
Partner

T +64 9 353 9765  
[stephanie.degroot@minterellison.co.nz](mailto:stephanie.degroot@minterellison.co.nz)



Holly-Marie Rearic  
Senior Associate

T +64 9 353 9807  
[holly-marie.rearic@minterellison.co.nz](mailto:holly-marie.rearic@minterellison.co.nz)