

Response ID ANON-URZ4-5F1H-9

Submitted to Fast-track approval applications
Submitted on 2024-05-03 18:02:02

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:
Taharoa Ironsands Limited

2 Contact person

Contact person name:
Stephanie de Groot

3 What is your job title

Job title:
Counsel for the applicant

4 What is your contact email address?

Email:
s 9(2)(a)

5 What is your phone number?

Phone number:
s 9(2)(a)

6 What is your postal address?

Postal address:

C/- MinterEllisonRuddWatts
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AUCKLAND 1143

7 Is your address for service different from your postal address?

No

Organisation:

Contact person:

Phone number:

Email address:

Job title:

Please enter your service address:

Section 1: Project location

Site address or location

Add the address or describe the location:

The Taharoa Ironsand Mine has been in operation since 1973 and accesses the largest ironsand deposit in New Zealand.

It is located on Māori land at Taharoa, on the North Island's West Coast, approximately 8km south of Kāwhia and 45km to the northwest of Te Kuiti (see map attached). The Mine's address is Taharoa Road, Taharoa.

The Mine is divided into blocks, known as the Central, Southern, Northern and Eastern Blocks and the Te Mania Extension.

Within the Northern Block, mining is proposed to occur sequentially in several different pits. The Northern Block comprises all of the land on Taharoa C Block to the north of the Mitiwai Stream (SA34B/688), on Taharoa Road on the West Coast of the North Island.

This proposal relates to the mining of Pit 1 within the Northern Block (Pit 1). Pit 1 is located on the long, high dune that runs along the north side of Mitiwai Stream. The proposed area of Pit 1 is 5 hectares in size (see map attached marked Figure 1).

File upload:

Figure 1 Pit 1 site plan.pdf was uploaded

Upload file here:

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Do you have a current copy of the relevant Record(s) of Title?

Yes

upload file:

CT SA34B_688 - title for Taharoa C Block(20094925.1).pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

The land on which Pit 1 is located is Māori owned land, held by the Proprietors of Taharoa C Block Incorporated Ltd (Taharoa C). Taharoa C is a Māori incorporation established under the Te Ture Whenua Māori Act 1993 and is comprised of members who whakapapa Ngāti Mahuta.

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

TIL has an agreement to lease (and rights to mine) Pit 1 (and all of Taharoa C Block) from the landowner. The lease is for 70 years with a 20-year right of renewal (with a final end date of 2062).

Section 2: Project details

What is the project name?

Please write your answer here:

Pit 1 Mining Project

What is the project summary?

Please write your answer here:

TIL estimates that there are 1-8 million tonnes of resource available in Pit 1 which can be extracted.

TIL is seeking all necessary approvals required to dry mine Pit 1 for a period of 12-24 months using the existing procedures and equipment from the wider Taharoa Mine (located to the south of the Mitiwai Stream).

The Project will involve the establishment of a stream crossing (bridge), and the authorisation of mining activities, including excavation and loading of ironsand into a dry mining unit (DMU) where the DMU mixes the ironsand with water to form a slurry. This slurry is pumped to a treatment plant within the Central and Southern Blocks of the Taharoa Mine. The necessary approvals include discretionary resource consents, an archaeological authority (if not already granted), and a Wildlife Act permit.

What are the project details?

Please write your answer here:

Purpose: The purpose of the Pit 1 Mining Project is to enable TIL to extract iron sand material from a small unexplored mining area and provide TIL with interim commercial certainty, while a more detailed application is pursued to authorise mining of the wider Northern Block and its existing application to reconsent mining within the Central and Southern Blocks is being determined.

Objectives:

- (a) To efficiently obtain all necessary environmental approvals to authorise mining activities within Pit 1 (given Mining in Pit 1 has been assessed by TIL's expert team as having the fewest potential adverse effects on the environment, relative to the wider Northern Block).
- (b) To obtain the commercial certainty that comes with opening up a new area of the Mine while TIL continues consenting processes to authorise mining within other parts of the Taharoa Mine.
- (c) To enable the continued export of titanomagnetite product - an essential ingredient in the manufacture of steel, which is a vitally important engineering and construction material.

- (d) To enable TIL to begin construction of the stream crossing, and the movement of mining vehicles and equipment into the Northern Block. This will assist in enabling the future expansion of TIL's mining activity into the wider Northern Block.
- (e) To enable national level economic benefits to continue through the payment of taxes on the extracted resource.
- (f) To provide a source of income for Taharoa C, and its Ngāti Mahuta shareholders into the future. Ngāti Mahuta are key beneficiaries of the Mine's operation and have been since its inception. Ngāti Mahuta are tangata whenua and own the land on which the Mine operates (through Taharoa C), benefiting from a lease arrangement and the key ownership stake they have had in TIL since 2017. One of the objectives of the Project is therefore to ensure the Mine can continue to provide this income for members of the Ngāti Mahuta hapu and enable them to profit from their land.

Activities involved: the mining process generally involves the following process:

- (a) site preparation through the removal of vegetation, topsoil and overburden;
- (b) the extraction and processing of ironsand (dry mining);
- (c) the mixing of iron sand with water to form a slurry for transport and processing;
- (d) pumping of the slurry through a seabed pipeline to a bulk carrier ship moored offshore (at TIL's mooring buoy);
- (e) ship-loading and dewatering; and
- (f) tailings disposal and rehabilitation of mined areas.

The activities sought to be authorised as part of the Pit 1 Mining Project include:

- (a) resource consent to alter or destroy an archaeological site;
- (b) resource consent to undertake ironsand mining operations and associated land disturbance activities in a High-Risk Erosion Area within Pit 1;
- (c) resource consent to discharge of mine overburden onto land in a High-Risk Erosion Area in Pit 1 for the purpose of rehabilitating mined areas; and
- (d) a permit under the Wildlife Act (if required).

The Project will need to rely on TIL's existing resource consents for the Central and Southern Blocks of the Mine (to take and use water from the Wainui Stream and to transport processed product from the processing facility through the ship-loading pipeline to the CMA). TIL is in the process of replacing these consents. TIL will need to seek a change to these resource consents to enable the Project and will do that either as part of this Project or separately.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

Mining of Pit 1 will provide for 12 months of dry mining which is proposed to occur sequentially in a series of mining panels (from P1 to the south – P4 to the north).

What are the details of the regime under which approval is being sought?

Please write your answer here:

Resource consents are required under the Resource Management Act 1991 (RMA) and approval is sought under the Wildlife Act 1953 (if required) to capture and relocate lizards and bats if they are identified during the removal of exotic pest plants (weeds and small shrubs). An archaeological authority is required, however, this may be granted before a panel is convened.

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Waikato Regional Council
Waitomo District Council

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

In December 2023 TIL submitted a resource consent application to Waikato Regional Council and Waitomo District Council to authorise the Pit 1 Mining Project. This application has been on hold (until 1 April) to allow consultation to be completed.

The Project will need to rely on TIL's existing resource consents for the Central and Southern Blocks of the Mine (to take and use water from the Wainui Stream and to transport processed product from the processing facility through the ship-loading pipeline to the CMA). TIL is in the process of replacing these consents. TIL will need to seek a change to these resource consents to enable the Project and will do that either as part of this Project or separately.

Is approval required for the project by someone other than the applicant?

No

Please explain your answer here:

N/A

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

If granted, TIL will begin work as soon as possible. Work will occur for a duration of 12 months. This does not include site establishment or remediation activities (which is likely to take another 6-12 months).

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

Parties potentially affected by the Project include:

- Taharoa C (landowner)
- Te Nehenehenui (the post-settlement governance entity on behalf of Ngāti Maniapoto)
- Waikato-Tainui
- Te Kōraha Marae (adjacent site)
- The Wetini Whanau (adjacent landowner)
- The Kana Whanau (adjacent landowner)

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

Ongoing engagement occurs with Taharoa C through their ownership stake in TIL and under its lease arrangement with TIL in respect of the Project. The Project is consistent with the aspirations of Taharoa C for the use of the land.

TIL has also engaged with Te Nehenehenui and Waikato-Tainui to advise them of the Pit 1 application and seek their views. Both Waikato-Tainui and Te Nehenehenui recognise the authority of Ngāti Mahuta in the Taharoa rohe and support whatever outcomes are sought by Ngāti Mahatua whanau. TIL representatives have also consulted with Te Kōraha Marae representatives and with immediately adjoining landowners to the Northern Block (the Wetini whanau and the Kana whanau) to explain the Pit 1 works to them and what avoidance and mitigation measures are proposed. The Kana whanau (one of the immediate neighbours to Pit 1) has advised that it does not oppose the application. The Wetini whanau have asked for more information, particularly with regards to dust management measures and site rehabilitation. In response TIL has proposed an extensive suite of dust management conditions based on monitoring and trigger levels. It is noted that Pit 1 is at least 850m away from either of these neighbours.

Engagement with these groups is ongoing and will continue. A hui at Te Kōraha Marae is set down for 25 May.

TIL also undertakes ongoing informal engagement with adjacent landowners, the Taharoa Village, DOC, and local Ngāti Mahuta in relation to its existing mining operations. This is in relation to the management of the mine, upcoming consent applications and any issues that have arisen. TIL has an open-door policy, is strongly tied to the small, local community, and engages with interested parties on a day-to-day basis. If issues arise that affect stakeholders, TIL considers how those issues can be addressed, and if appropriate, adjustments are made to operations. This open approach to consultation will continue in respect of the Pit 1 Mining Project.

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Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

N/A

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

A relevant statutory acknowledgement in Schedule 11 of the RMA has been made in favour of Ngāti Maniapoto arising from the Maniapoto Claims Settlement Act 2022. The statutory acknowledgement area is large and includes the Mitiwai Stream and the land on either side of it (including Pit 1), as well as the wider Taharoa area and the Coastal Marine Area adjacent to Taharoa. The Settlement Act recognises that Ngā Wai o Maniapoto, including the coastal waters within the area of interest, have a deep historic, intellectual, physical, and spiritual significance to Ngāti Maniapoto. The Pit 1 Mining Project does not affect the CMA, or otherwise seek to increase the allowable discharge from the pipeline to the CMA, which is authorised by other resource consents held by TIL. Nevertheless, TIL has engaged with Te Nehenehenui (as noted above).

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

Yes

Has the applicant has secured the relevant landowners' consent?

Yes

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Upload your assessment if necessary:

No file uploaded

Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

Pit 1 is a small disturbed area where forestry activities have previously been undertaken. This means that the majority of the area has already been cleared of any existing vegetation.

An assessment of the potential adverse effects of the Pit 1 Mining Project is attached.

Upload file:

Assessment of Environmental Effects Pit 1 Mining Project .pdf was uploaded

Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

Please see the Assessment of Environmental Effects attached.

File upload:

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Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

TIL anticipated that the resource consenting of the Pit 1 Mining Project under the RMA would be straightforward, fast and cost effective because it is a small area where there are fewer potential adverse environmental effects than mining elsewhere within the Northern Block. TIL applied for the resource consents necessary to enable the Pit 1 Mining Project in December 2023. However, the processing of these applications has been delayed.

This was partially to enable TIL to undertake further consultation in an attempt to avoid the consenting difficulties that TIL is currently facing in relation to its other application for resource consent to replace its existing resource consents for the Southern and Central Blocks. The application remains in the

early stages and a notification decision is yet to be made.

TIL expects that the fast-track consenting process will enable the Pit 1 Mining Project to be processed in a more timely and cost efficient way than under normal processes because:

- In TIL's experience RMA processes have been unwieldy, slow and unnecessarily resource intensive. It expects it will encounter the same experience with the Pit 1 Mining Project. There are some technical matters that need to be considered to the bridge and to enable mining near natural inland wetlands which may complicate the matter.
- Despite TIL's view that the Pit 1 Mining Project application should be processed non-notified under the RMA, Waikato Regional Council has previously limited notified TIL's resource consent applications for the mine, and it may take the same approach to the Pit 1 Mining Project. This could mean the application will proceed to a hearing and then potentially be subject to an Environment Court re-hearing (with appeals being more likely under the RMA given the broad appeal rights) adding significant cost and time to the consenting process which could be entirely avoided under the fast track process. TIL is currently seeking consents for its existing mining activities which increases the interest in this application (regardless of whether this is justified from an effects perspective).
- Protracted litigation on the resource consent application for the Pit 1 Mining Project is less likely under the fast-track process than under the RMA given that appeal rights are limited to the High Court on matters of law only (and there is no Environment Court appeals process).
- The fast track process will enable TIL to obtain all necessary approvals to mine Pit 1 in one process, including a Wildlife Act permit, if required, rather than having to obtain the necessary approvals through multiple processes (adding cost and potential delays to the Project if a particular process is delayed).
- The fast track process avoids the risk of submitters appealing the archaeological authority as a basis for delaying TIL's mining operations. The archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014 provides a right of appeal to the Environment Court against any decision to grant the authority. The effect of this is that opponents who have exhausted all opportunities to object to a project under the RMA may have a second chance to oppose it, notwithstanding that resource consent has been granted.

Ultimately the fast-track process is expected to deliver a faster and more cost-effective consenting process and provide TIL with commercial certainty sooner than would be possible under the standard consenting process. As noted above, the purpose of the Project is to provide short term approval while a more detailed application is prepared to authorise mining of the wider Northern Block, and while there is uncertainty about whether TIL will obtain consent to continue mining the remainder of Taharoa C Block (which is subject to a separate application).

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

The Project will not adversely impact the efficient operation of the fast-track process.

A resource consent application has already been prepared for the Project under the RMA, so this application could be referred to an expert panel almost immediately (with any necessary updates and amendments made to meet the information requirements of the new legislation made promptly). TIL is ready to undertake the Project promptly after any approvals are granted – it is 'shovel ready' and would not inefficiently stand in the way of any other shovel ready projects seeking consideration under the new fast-track process.

Has the project been identified as a priority project in a:

Other

Please explain your answer here:

No. However, The Taharoa Mine is largest ironsands producer in New Zealand and has been identified as regionally significant mineral resource in the proposed Waitomo District Plan.

Will the project deliver regionally or nationally significant infrastructure?

Regional significant infrastructure

Please explain your answer here:

Yes.

The Mine is regionally significant. TIL has invested over **s 9(2)(b)** in the Taharoa Mine's infrastructure, plant, and machinery to enable ironsand to be extracted and to secure the life of the Mine for at least another 30 years. Approximately **s 9(2)(b)** is invested per year into the Mine and its operations costs, and in the last year alone approximately **s 9(2)(b)** has been invested in new capital equipment. The Project will contribute to the on-going investment in critical Mine infrastructure.

Will the project:

increase the supply of housing, address housing needs

Please explain your answer here:

Yes, TIL owns most of the houses in the Taharoa Village which it offers to its employees and their families for minimal rent, and provides other infrastructure and support to the local Taharoa Village. The Project will enable this investment to continue.

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

Yes, the Pit 1 Project will contribute to Taharoa Mine being able to provide significant economic benefits.

The Pit 1 Mining Project provides significant regional and national economic benefits

Based on a conservative resource assessment the Pit 1 Mining Project will directly contribute approximately **s 9(2)(b)(ii)** to the New Zealand economy (including to the landowners).

TIL relies on locally sourced goods and services including the supply of electricity and services from surrounding areas including Kawhia, Te Kuiti, Otorohanga, Te Awamutu and Hamilton. This includes the supply of electricity and services including laundry, helicopter and other transport services. TIL also relies on specialist sub-contractor support including the maintenance and management of specialised mine machinery and equipment. The support that TIL will rely on from surrounding centres for the Pit 1 Mining Project injects millions into the local economy.

Enabling the mining of Pit 1 will provide commercial certainty that the Taharoa Ironsand Mine can continue to operate for at least the next 12 months and authorise the access infrastructure required to enable the mining of the remainder of the Northern Block

Authorising the Pit 1 Mining Project will provide TIL with the commercial certainty that is required for it to continue to invest in the wider Taharoa Mine. It will provide short-term access to at least another 12 months of iron ore material, and crucially, it will authorise the access infrastructure required to enable the mining of the remainder of the Northern Block in the future.

Enabling the expansion of Taharoa Mine will ensure that Ngati Mahuta hapu can continue to profit from their land while maintaining their role as kaitiaki

The land on which the Mine operates remains in Māori ownership through the conduit Taharoa C, an incorporation whose shareholders are Ngāti Mahuta.

The Mine provides Taharoa C with its primary form of income and has done since 1973. During the course of undertaking the Pit 1 Mining Project, Taharoa C will be paid approximately **s 9(2)(b)(ii)** under TIL's lease agreement. Taharoa C also has a key ownership stake in the mining business and have oversight of the operation of the Mine.

The expansion of the Mine, into Pit 1 on the Northern Block will therefore enable Taharoa C (include shareholders who whakapapa Ngāti Mahuta) to continue profiting from their land.

The Pit 1 Project will ensure that the Taharoa Mine can continue to contribute to the local, regional and national economy

Allowing the mining of Pit 1 will enhance the social and economic wellbeing of the people and community of Taharoa, the wider region and the national economy.

TIL will continue to employ local workers to undertake the Project (79% of which are local Ngāti Mahuta). As noted above, the Pit 1 Mining Project is essential to enabling mining access to the balance of the Northern Block.

TIL also heavily invests in the day-to-day infrastructure and services provided to the Taharoa Village (and owns most of the houses in the Village) – enabling the Project will provide immediate commercial certainty for the continued operation of the Mine while it works through other complex consenting to secure the necessary approvals to access iron sand within other Blocks. The Pit 1 Mining Project will provide TIL with helpful certainty to continue investing in the Village while the other resource consenting processes are being worked through.

Will the project support primary industries, including aquaculture?

No

Please explain your answer here:

Will the project support development of natural resources, including minerals and petroleum?

Yes

Please explain your answer here:

Yes.

The Pit 1 Mining Project will support the development of New Zealand's iron sand mining industry and TIL's export capacity.

TIL has generated **s 9(2)(b)(ii)** in export sales since 2017, with plans to grow substantially over the next 30 years through projects such as this which will support the development of New Zealand's iron sand mining industry and TIL's export capacity.

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Yes

Please explain your answer here:

Yes.

TIL is in the process of implementing a decarbonisation project to reduce emissions generated by mining operations as far as possible. TIL has signed a contract with the Lines Company to invest over **s 9(2)(b)(ii)** to replace the Mine's reliance on fossil fuels, enabling reliance on renewable energy sources in the near future.

Will the project support adaptation, resilience, and recovery from natural hazards?

No

Please explain your answer here:

N/A

Will the project address significant environmental issues?

Yes

Please explain your answer here:

Yes.

All actual and potential adverse environmental effects of the proposed mining activity can either be avoided, remedied or mitigated to minor or less than minor levels through the proposed management plans or imposed consent conditions. Relevantly:

- Mining will not occur within the stream gully of the Mitiwai Stream to avoid any significant environmental issues;
- The proposed mining activity will not interact with ground water or surface water;
- TIL has proposed a 30m buffer around two natural inland wetlands; and
- A site rehabilitation plan for Pit 1 will include a rehabilitation plan for the Mitiwai Stream crossing area.

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

Yes.

The activities for which consents are sought have been assessed to display a high level of consistency with the relevant objectives and policies of the Waikato Regional Policy Statement, Waikato Regional Plan, Waitomo District Plan, and both the Waikato-Tainui and Ngāti Maniapoto Iwi Environmental Plans. There is no relevant spatial strategy.

Please see further assessment in the Assessment of Environmental Effects attached.

Anything else?

Please write your answer here:

N/A

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

No

If yes, please explain:

N/A

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

TIL has been subject to some compliance and/or enforcement action. This is explained below along with confirmation that the matter has been resolved or an update on the current status.

(a) TIL was convicted of an offence in 2017 under the RMA for the discharge of diesel into the Wainui Stream. The District Court decision notes that during the process of fixing a faulty generator, a contractor reconnected the generator without being told that the on/off valve was on. This caused diesel to spill and migrate overland into the stormwater network. An interceptor has been installed to reduce the risk of spills.

(b) TIL has been charged with the discharge of sediment laden water to land which may enter water following the cyclone events in January 2023. This matter is currently before the Court. TIL regrets that this incident has resulted in a prosecution and has taken proactive steps to ensure this incident does not occur again.

(c) In 2024 TIL was issued an abatement notice in relation to a one-off discharge of dust in December 2023 which was considered by the Council to be offensive and objectionable. TIL is complying with the abatement notice and has taken steps to minimise the potential for offensive and objectionable dust as far as possible. It has prepared an interim dust management programme to manage dust (while a longer term plan is being developed as part of the Project) and it is in the process of implementing the programme.

These enforcement matters relate to the mining of the Central and Southern Blocks and do not relate to Pit 1 or any part of the Northern Block.

TIL is committed to ensuring that its operations comply with all regulatory requirements, and it has systems and processes in place to ensure compliance on an on-going basis.

Load your file here:

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Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

Stephanie de Groot

Important notes