

From: Holly-Marie Rearic s 9(2)(a)
Sent: Tuesday, 11 June 2024 7:00 pm
To: Stephanie McNicholl; Listed Projects
Cc: Stephanie de Groot
Subject: RE: [COMMERCIAL]URGENT - Questions regarding 3x projects (1. Pit 1 Mining, 2. Central and Southern Block, and 3. Northern Block) [MERWZN-MERWLIB.FID839075]
Attachments: 02.07.02.04.01.01 Taharoa C lease(21103147.1).pdf; 02.07.02.04.01.02 Taharoa C Lease Variation(21103148.1) (004).pdf

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Kia ora Steph

Please find below a response on behalf of TIL in relation to the queries.

If you have any further queries resulting from your review of the applications, please do not hesitate to contact us.

Ngā mihi
Steph & Holly-Marie

TIL's response to request for further information in relation to applications requesting inclusion of TIL's Projects in Schedule 2A of the Fast-track Approvals Bill (Bill)

	<p>Evidence of Taharoa Ironsands Limited authority to act on behalf of the relevant landowners regarding their land interests, if the land is land returned under a Treaty settlement or on identified Māori land.</p>
1(b)	<p>Pit 1, Northern Block (excluding Taharoa A1C6) and Central and Southern Block Mining Projects: In 2009 the Māori Land Court determined Taharoa C Block (including the Northern Block (excluding Taharoa A1C6), Pit 1, Central and Southern Block) to be Māori freehold land under the Te Ture Whenua Māori Act 1993. This means that this land is "identified Maori land" for the purpose of the Bill. The Taharoa C Block is owned by The Proprietors of Taharoa C Block Incorporated (Landowner).</p> <p>TIL (previously New Zealand Steel Mining Limited) has the benefit of a deed of lease with the Landowner which enables it to mine and extract Ironsands on or within the land being the Taharoa C Block. This amounts to agreement in writing from the Landowner (cl 18(a)(ii) of the Bill). We have provided a copy of the lease and a variation to it on a <u>confidential basis – these documents are commercially sensitive and therefore should not be proactively released or provided to the public under the Official Information Act 1982.</u></p> <p>We also note that the Landowner has a majority shareholding in Taharoa Mining Investments Limited (TMIL). TMIL has a 44% shareholding in TIL (the applicant).</p> <p>To clarify as set out in the application for the Northern Block Mining Project, a small part of the intended mining area (being Taharoa A1C6) is privately owned land and is not of the kind identified in clauses 18(a) – (d) of the Bill.</p>
2(a)	<p>An applicant group/party who has made application under the Marine and Coastal Area (Takutai Moana) Act 2011, that has not been addressed in the application.</p> <p>Pit 1 Mining Project: The Project (as described in the application under the Bill) involves the establishment of a suitable crossing over the Mitiwai Stream to access the Northern Block. This work will extend into the coastal marine area. However, since the application was filed resource consents for this part of the Project have been granted by Waikato Regional Council (WRC). Therefore, this part of the Project may not be pursued by TIL. However, for completeness we note that TIL sought the views of all recorded Marine and</p>

	<p>Coastal Area (Takutai Moana) Act 2011 (MACA) claimants (using their listed addresses for service) in respect of the relevant resource consent applications. These parties are set out below. Only one response was received from Verna Tuteao (representing Te Runanga o Ngāti Mahuta ki te Hauauru) acknowledging receipt and thanking TIL for contacting her:</p> <ul style="list-style-type: none"> • Kawhia Kai, Kawhia Moana, Kaiwhia Tangata • Ngāti Apakura • Te Runanga o Ngāti Mahuta ki te Hauauru • Te Whakakitenga o Waikato • Nga Tini Hapu o Maniapoto • Maniapoto Iwi • Rihari Dargaville
	<p>Northern Block Mining Project: This application does not involve or relate to the coastal marine area / any claim areas.</p> <p>To clarify, the application for this Project under the Bill indicates that applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 are potentially affected (along with the Harbour Master). However, that is an error and should be disregarded.</p>
	<p>Central and Southern Block Mining Project: TIL's application for the Central and Southern Block Mining Project refers to applicants under MACA at section 3(c)). To clarify, an application for resource consent for this Project is currently before WRC. TIL sought the views of all recorded MACA claimants (using their listed addresses for service) before the application was lodged in 2020. These parties are set out below. No responses were received in response to the request:</p> <ul style="list-style-type: none"> • Kawhia Tangata, Aotea Whenua, Whaingoroa Moana (now called Kawhia Kai, Kawhia Moana, Kaiwhia Tangata) • Ngāti Apakura • Te Runanga o Ngāti Mahuta ki te Hauauru • Te Whakakitenga o Waikato • Te Rohe Moana o Nga Tini Hapu o Maniapoto • Maniapoto Iwi • Rihari Dargaville • Cletus Maanu Paul
3(a)	<p>Any consultation with MACA applicants with specific regard to this application under the Bill</p> <p>Central and Southern Block Mining Project: We have set out above the consultation that occurred with MACA applicants. This has not specifically occurred in the context of this fast-track application, however, we note that the Bill only requires information to be provided in relation to consultation already undertaken on a project.</p>
3(b)	<p>Any consultation with the local authorities with specific regard to these applications under the Bill</p> <p>Central and Southern Block Mining Project:</p> <p>TIL has extensively consulted with WRC (ongoing since late 2019) in relation to the Central and Southern Block Mining Project. This consultation has been in the context of TIL's application for resource consent for this Project which is being considered by WRC. The application for the Central and Southern Block Mining Project to be listed under the Bill is consistent with the application for resource consent being considered by WRC.</p> <p>Pit 1 and Northern Block Mining Projects:</p> <p>TIL has recently (since September 2023) consulted with WRC in relation to the Pit 1 Mining Project. This consultation has been in the context of TIL's application for resource consent for this Project which is being considered by WRC. The application for the Pit 1 Project to be listed under the Bill is consistent with the application for resource consent being considered by WRC.</p>

	<p>TIL has also consulted with WRC about its future mining plans on the Northern Block (the Northern Block Mining Project) and WRC has suggested various effects mitigation measures for TIL to consider.</p> <p>Given that the Pit 1 Mining Project also requires resource consent from Waitomo District Council (WDC), TIL has consulted with WDC with regards to that application. TIL has also consulted with WDC in relation to its future mining plans on the Northern Block in the context of the Proposed Waitomo District Plan process that is currently underway.</p> <p>Staff at both WDC and WRC are aware that TIL has applied to have the Pit 1 and Northern Block Projects processed under the Bill.</p>
3(c)	<p>The applications do not appear to have statements explaining how any engagement, including the above, has informed the project</p>
	<p>TIL described in its applications how its engagement has informed the development of the three Projects (in its response in section 3: Consultation, where we have detailed all consultation undertaken). To further elaborate on the information provided:</p>
	<p>Pit 1 Mining Project: For the Pit 1 Mining Project, engagement with WRC and WDC staff and neighbouring landowners/marae has informed the scope and nature of the application, and the proposed conditions of consent proffered to date by TIL. By way of example:</p> <ul style="list-style-type: none"> • WRC staff indicated in early pre-lodgement engagement that seeking a limited/short term consent would be appropriate which has informed the term of consent sought. • Neighbouring landowners and Te Kooraha Marae expressed concerns about potential dust effects and this led to TIL developing an extensive suite of dust management measures. • Te Kooraha Marae was concerned to ensure that vehicle access to the Marae was maintained at all times during mining activity in Pit 1, and the maintenance of this access has been committed to by TIL as part of the Project.
	<p>Northern Block Mining Project: For the Northern Block Mining Project, engagement with staff from both WRC and WDC and with neighbours and Te Kooraha Marae has been helpful in informing the scoping of potential effects of the mining activity and the types of technical effects assessments that are being prepared to support the application. This engagement has also informed the scope and nature of the Northern Block Project through allowing TIL to establish the location and extent of mining setbacks from key features to be incorporated into the application. The engagement with Te Kooraha Marae has also informed the approach TIL is taking to the assessment of cultural effects on mining in the Northern Block.</p>
	<p>Central and Southern Block Mining Project: For the Central and Southern Block Mining Project, engagement with WRC staff and submitters on the WRC resource consent application has led to a range of proposed effects mitigation measures (reflected in proposed conditions of consent). For example:</p> <ul style="list-style-type: none"> • WRC staff and submitters have expressed concerns about the effects of the continuation of the TIL water takes on the wetlands around the edges of Lake Taharoa. In response, TIL has proposed monitoring and reporting on the condition of the wetlands, and for management responses to be undertaken should adverse effects on the health and extent of the wetlands be identified (which has been reflected in proposed conditions). • A further example is specific dust management monitoring and trigger/response mechanisms (reflected in proposed consent conditions) which respond to the concerns of WRC staff and submitters.

Holly-Marie Rearic

Senior Solicitor

s 9(2)(a)

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From: Stephanie de Groot s 9(2)(a)

Sent: Monday, June 10, 2024 9:10 PM

To: Listed Projects <ListedProjects@mfe.govt.nz>

Cc: Stephanie McNicholl s 9(2)(a); Holly-Marie Rearic <s 9(2)(a)>

Subject: RE: [COMMERCIAL]URGENT - Questions regarding 3x projects (1. Pit 1 Mining, 2. Central and Southern Block, and 3. Northern Block) [MERWNZ-MERWLIB.FID839075]

Kia ora Steph

Thank you for your email. We will provide the requested information by the end of the day tomorrow.

Ngā mihi
Steph

Stephanie de Groot

Partner| Kaiurungi
s 9(2)(a)
MinterEllisonRuddWatts

From: Listed Projects <ListedProjects@mfe.govt.nz>

Sent: Monday, June 10, 2024 5:13 PM

To: Stephanie de Groot s 9(2)(a)

Cc: Stephanie McNicholl s 9(2)(a)

Subject: [COMMERCIAL]URGENT - Questions regarding 3x projects (1. Pit 1 Mining, 2. Central and Southern Block, and 3. Northern Block)

Importance: High

Kia ora Stephanie

Thank you for your application requesting inclusion of the Projects in Schedule 2A of the Fast-track Approvals Bill (the Bill).

I have reviewed the application and have some questions that I am forwarding to you as the address for service contact across all three projects (1. Pit 1 Mining, 2. Central and Southern Block, and 3. Northern Block).

Could you please respond **by reply email**, providing the following documentation to establish that s 18(a) of the Bill has been complied with.

1. Evidence of:
 - a. Taharoa Ironsands Limited authority to act on behalf of the relevant landowners regarding their land interests, if the land is land returned under a Treaty settlement or on identified Māori land.
2. Regarding complying with clause 18(c)(i) of the Bill
 - a. there appears to be an applicant group/party who has made application under the Marine and Coastal Area (Takutai Moana) Act 2011, that has not been addressed in the application
3. Regarding complying with clauses 14(3)(h) and (i), and 16 of the Bill

- a. has there been any consultation with MACA applicants with specific regard to this application under the Bill?
- b. has there been any consultation with the local authorities with specific regard to these applications under the Bill?
- c. the applications do not appear to have statements explaining how any engagement, including the above, has informed the project.

Please provide your response by COB tomorrow **Tuesday 10 June 2024** at the latest.

Ngā mihi
Steph

Stephanie McNicholl ([she/her](#))

Ngāpuhi, Ngāi Te Rangi, Ngāti Ranginui

Senior Policy Analyst | Kaitātari Kaupapa Here Matua

MfE Listed Projects

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