

**Before the Environment Court
Auckland Registry**

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

ENV-2025-AKL-000162

In the matter of an appeal pursuant to clause 14 of the First Schedule of the
Resource Management Act 1991 (**RMA**)

And

In the matter of Proposed Waitomo District Plan

Between

Te Ruunanga o Ngaati Mahuta ki te Hauaauru Trust

Appellant

and

Waitomo District Council

Respondent

Notice of Taharoa Ironsands Limited's wish to be party to
proceedings

Dated 22 August 2025

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TO: The Registrar
Environment Court
Auckland

PROCEEDING AND STANDING

1. Taharoa Ironsands Limited (**TIL**) wishes to be party to the following proceedings:
 - (a) ENV-2025-AKL-000162: an appeal by Te Ruunanga o Ngaati Mahuta ki te Hauaauru Trust (**Appellant**) on parts of Waitomo District Council's decision on the Proposed Waitomo District Plan (**Proposed Plan**).
2. TIL made a submission and a further submission on the Proposed Plan about the subject matter of part of the proceedings.
3. TIL also has an interest in the proceedings that is greater than the interest that the general public has because:
 - (a) TIL owns and operates the Taharoa Ironsand Mine (**Mine**), which accesses the largest ironsand deposit in New Zealand;
 - (b) The Mine is located on the West Coast of the North Island, south of Kawhia Harbour, and adjacent to Taharoa Village. It is situated on Māori land, on one of New Zealand's most significant ironsand deposits, and has been operating since the 1970s;
 - (c) The Mine is located within the Rural Production Zone of the Proposed Plan and the "area of interest" referred to in the Appellant's Notice of Appeal¹; and
 - (d) The issues raised, and relief sought, in the proceedings will directly affect the on-going operation and expansion of the Mine.
4. TIL is not a trade competitor for the purpose of section 308C of the RMA.

¹ The area of interest is described in paragraph 4 of the Appellant's Notice of Appeal dated 13 July 2025 as stretching: "from Maketuu marae situated at the southern end of Kaawhia Harbour, out to Te Waitere, down to Marokopa and back up along the west coast".

TIL'S INTEREST IN THESE PROCEEDINGS

5. TIL is interested in all of the proceedings.
6. TIL is interested in the following particular issues (which relate to the Decisions Version of the Proposed Plan):
 - (a) The zoning of land within the Appellant's "area of interest" as Rural Production;
 - (b) The application of the Indicative Rural Production Areas Overlay within the Appellant's area of interest;
 - (c) The 250m minimum setback standard for housing from the boundary of a Rural Production Zone required by General Rural Zone Rule GRUZ-S6;
 - (d) The wording of Rural Production Zone Policies RPROZ-P4 (relating to management of adverse effects of activities in the Rural Production Zone) and RPROZ-P6 (ensuring that sites are sufficiently landscaped and screened);
 - (e) The wording of Rural Production Zone Rule RPROZ-R25² relating to outdoor storage and screening for the placement of overburden from quarry sites; and
 - (f) Any other issues or relief sought which may inappropriately affect the on-going operation or expansion of the Mine.
7. TIL opposes the relief sought by the Appellant in its entirety because:
 - (a) It is inconsistent with the purpose of the RMA, specifically, it does not promote the sustainable management of natural and physical resources or enable people and communities to provide for their social and economic wellbeing and their health and safety;
 - (b) It is inconsistent with sound resource management practice; and

² Now Standard RPROZ-S6.

- (c) Granting the relief sought by the Appellant will not be the most appropriate way to achieve the purpose of the RMA, give effect to the operative and proposed Waikato Regional Policy Statements, and have appropriate regard to the Waikato Regional Plan.
- 8. Without limiting the generality of the above, TIL also opposes the relief sought by the Appellant because:
 - (a) It does not appropriately recognise:
 - (i) The long-standing operation of the Mine within the area of interest;
 - (ii) The existing and on-going investment made by TIL in the successful operation and expansion of Mine;
 - (iii) The regional and national significance of the Mine and the significant economic, social and cultural benefits of the Mine's on-going operation and expansion;
 - (iv) The functional and operational requirements of the Mine;
 - (v) The location of the Mine within an exposed and dynamic coastal dune environment, which creates challenges for the management of potential environmental effects and requires tailored planning provisions; and
 - (vi) That the scale, location, and visibility of the Mine from public spaces and residential areas, which requires tailored planning provisions.
 - (b) The Proposed Plan, as amended in the Decisions Version, appropriately reflects these realities. For example:
 - (i) The s42A report acknowledges the impracticality of full visual screening of the Mine due to the dynamic dune environment and prevailing climatic conditions and recommends that such measures be undertaken "as far as practicable", as reflected in Policy RPROZ-P6.

- (ii) TIL also opposed the notified version of Rule RPROZ-R25, which would have required all outdoor storage areas to be screened from view. Given the nature of the Mine's operations, including large-scale sand stockpiling and the definition of "outdoor storage area", the decisions version of the Proposed Plan excludes the Mine (and all other RPROZ-SCHED1 – Scheduled rural production sites) from this rule to recognise the practicalities of complying with this provision at the Mine (relative to the environmental benefits). Reverting to the notified version of this rule (as sought by the Appellant) would undermine the effectiveness and efficiency of the planning framework.
- (c) Subject to the single provision that TIL appealed (Rule RPROZ-R7 relating to the provision of residential accommodation for staff) the Decisions Version of the Proposed Plan appropriately provides for all Rural Production activities, including the Mine, in appropriate locations and with appropriate controls.

MEDIATION / ALTERNATIVE DISPUTE RESOLUTION

- 9. TIL agrees to participate in mediation or other alternative dispute resolution in respect of these proceedings.

DATED at Auckland this 22nd day of August 2025



**Stephanie de Groot / Holly-Marie
Rearic**
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Limited

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