

# EXCLUSIVE ECONOMIC ZONE AND CONTINENTAL SHELF (ENVIRONMENTAL EFFECTS) ACT 2012 (the Act)

## Trans-Tasman Resources Limited iron sand extraction and processing application

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### M9 – Minute of the Decision-Making Committee – 1 December 2016

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1. The DMC has developed a set of hearing procedures that are now available on the EPA website. The purpose of these Hearing Procedures is to set the rules and timeframe by which the hearing process will run.
2. The Act requires the DMC to deal with the Trans-Tasman Resources Limited (TTRL) application as promptly as is reasonable in the circumstances, and the DMC must also establish a procedure for hearing the application that is appropriate and fair in the circumstances.
3. Prior to finalising the above hearing procedures, the DMC had received an indication from the Applicant that it was happy to circulate its evidence on 19 December, and in Minute 8 issued on 10 November 2016 the DMC had indicated this was acceptable.
4. On 18 November 2016, in a joint memorandum, Kiwis against Seabed Mining Inc, Te Runanga o Ngati Ruanui Trust, and Talley's Group Limited requested the DMC to establish a timetable in accordance with their proposed timetable suggestion and provide other submitters an opportunity to be heard on the Applicant's proposed timetable given that it falls over the summer vacation period. This request was supported by correspondence from Counsel for the Fisheries Submitters<sup>1</sup>. This correspondence is available on the EPA website.
5. The above request and information has been considered by the DMC. The DMC is mindful that the application was publicly notified on 17 September 2016. The submission period that was to have closed on 14 October 2016 has been extended twice and now closes on 12 December 2016, allowing people three times the usual 20 working day period for them to consider the application information. The DMC readily acknowledges the previously redacted information which is relevant to a central issue for these proceedings has only been publicly available since 9 November 2016. However, it is also noted that this newly available information forms only part of the application information that has now been available since 17 September 2016.
6. In setting the timeframes within these hearing procedures, the DMC acknowledges the work needed to be done over the Christmas/New Year period, but notes that Parliament specifies the days that are not counted as working days, being 20 December to 10 January inclusive.

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<sup>1</sup> The Fisheries submitters are Fisheries Inshore NZ, New Zealand Federation of Commercial Fishermen Inc, McDonald and Brown Ltd, and Cloudy Bay Clams Ltd (albeit not all these entities have yet made a submission in this process).

7. The DMC is particularly mindful of the steps needed after all evidence has been exchanged, before the hearing can begin, and the importance of allowing sufficient time for questions to be received in advance and for expert conferencing to take place.
8. Now that people can see the hearing procedures and timeframes for key steps in the process, should any party wish to deviate from any requirement identified in these procedures, including timeframes, a written request should be made to the DMC via EPA staff. Any such request must contain a full explanation of why the deviation is requested.

**For the DMC:**

A handwritten signature in blue ink, appearing to read 'Alick Shaw', with a large, stylized initial 'A'.

Alick Shaw  
DMC Chair  
1 December 2016