

## 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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#### M34 – Minute of the Decision-Making Committee – 13 March 2017

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##### **Adaptive management approach - next steps**

1. The DMC has invited parties to address imposing conditions on marine discharge consents, as set out in Minutes 17 and 28. This has enabled parties to address the legal issues surrounding the adaptive management approach for marine discharge consents.
2. The DMC is also aware of the planning and conditions evidence angle to this issue and would like to address this with the experts who were invited to attend the planning and conditions expert conferencing, most of whom are scheduled to appear this week to give evidence.
3. The DMC is intending to ask these witnesses to address the points set out in Appendix 1. This in no way limits other questions that the DMC may need to ask of these witnesses. It is acknowledged that the joint witness statement provided to the EPA on Friday 10 March 2017 also begins to address these points.
4. The DMC is aware that Mr Graham Young has already presented evidence in New Plymouth, so if he wishes to provide a response to the questions in Appendix 1, he may either appear in Wellington (please advise the EPA staff of availability as soon as possible) or provide a written response by 17 March 2017.
5. Further, as signalled at the close of proceedings in New Plymouth, the DMC intends to hold a session with those legal counsel and others who have responded to Minute 28, to clarify any remaining legal issues. It is anticipated that this would happen either on Friday 17 March 2017 or 20 March 2017. Parties wishing to participate are asked to advise the EPA staff of any availability issues for both these dates as soon as possible.

##### **For the DMC:**



Alick Shaw  
DMC Chair  
13 March 2017

## Appendix 1 – Proposed Questions

1. From a planning perspective, what are the key attributes of conditions that amount or contribute to an adaptive management approach?
2. Can you suggest any set of principles or guidance for drafting conditions that do not amount or contribute to an adaptive management approach?
3. It is acknowledged that there will be a suite of conditions that are not able to be divided between the marine consents and the marine discharge consents, but some are going to be amenable to such a separation. Please give your views on this approach. Can you suggest any set of principles or guidance for dividing up conditions between the marine consents and the marine discharge consents, including examples?