

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

Trans-Tasman Resources Limited iron sand extraction and processing application

M12 – Minute of the Decision-making Committee – 22 December 2016

Confirmation of proposed Hearing Locations

1. On 8 September 2016, the Decision-Making Committee (DMC) issued Minute 1 giving notice that if a hearing is to be held on the Trans-Tasman Resources Limited's (TTRL) application, the hearing would be held in Wellington and New Plymouth. At that time the DMC reserved its right to add or delete locations if necessary.
2. As outlined in DMC Minute 11, on 15 December 2016 the DMC received a memorandum from Te Runanga o Ngāti Ruanui Trust (Ngāti Ruanui) expressing its concern in respect of the hearing locations. It wanted to register its strong objection to the proposal that no hearing days in relation to this matter would be held within the takiwā (tribal domain) of Ngāti Ruanui.
3. Ngāti Ruanui requested that the EPA reconsider the hearing programme for this matter and confirm that a significant proportion of the total number of hearing days would be held on a Ngāti Ruanui marae or, at the very least, within the takiwā of Ngāti Ruanui (Hawera and Pātea). Ngāti Ruanui also sought to extend manaaki (hospitality) to the EPA, and participants in the hearing, stating that it will not be able to fulfil its cultural obligations if it could not do so.
4. On 16 December 2016, the DMC received an email from Te Ohu Kai Moana supporting the request made by Ngāti Ruanui. Both Ngāti Ruanui's request and the email from Te Ohu Kai Moana are available on the EPA website.
5. The DMC notes that Ngāa Rauru Kiihahi have also requested within their submission that the hearing be held on one of their marae. The EPA is currently processing submissions and notes that there are potentially other submitters who may have made similar requests within submissions that have not yet been processed.
6. The DMC has considered the requests by Ngāti Ruanui and Ngāa Rauru Kiihahi, in the context of its obligation to establish an appropriate (and fair) hearing procedure and, in doing so, recognise tikanga Māori where appropriate (section 53 of the Act).
7. The DMC records its gratitude for the invitations by Ngāti Ruanui and Ngāa Rauru Kiihahi to hold part of the hearing on a Ngāti Ruanui or Ngāa Rauru Kiihahi marae or within their takiwā. The DMC nonetheless declines the requests, with respect, primarily because adding further hearing

locations to the schedule would lead to additional logistical requirements and administrative costs, particularly given the large number of submitters. The DMC also considers that New Plymouth is the most suitable venue for hearings near the takiwā of Māori submitters with mana whenua status.

8. The DMC is cognisant, as noted above, of its obligation to recognise tikanga Māori where appropriate, and notes that the hearing procedures allow ways in which tikanga can be expressed through the hearing, such as by way of karakia, and mihi whakatau. The DMC will also ensure that translation services are available in the event that parties wish to present written or spoken evidence in Te Reo Māori.
9. Further, the DMC would like EPA staff to explore other options for recognising tikanga Māori either inside or outside the hearing context.
10. On this basis, and further to paragraph 35 of the hearing procedures (dated 15 December 2016), the DMC gives notice that the hearing on the TTRL application will be held in -
 - Wellington; and
 - New Plymouth.
11. The hearing is currently scheduled to commence in Wellington on 16 February 2017 subject to confirmation from venues. Hearing locations, venues and dates will be confirmed in the hearing notice which will be issued on 17 January 2017.
12. A hearing notice will be issued in accordance with section 51(3) of the Act which will contain further details about the hearing.

Submitters' confirmation with the EPA

13. By **12pm 11 January 2017** submitters are required to contact the EPA by email TTRL.Application@epa.govt.nz or Freephone 0800 777 728 and:
 - Confirm if they wish to speak at the hearing;
 - Advise of any witnesses (both expert and non-expert) that they wish to appear to provide evidence on their behalf and advise both the name(s) of the witness(es) and the topics/area of expertise they will discuss;
 - Advise if they wish to make an opening representation;
 - Advise whether they wish to appear in Wellington or New Plymouth, or if they wish to present via video conference (e.g. Skype);
 - Advise if they are unavailable to appear at the hearing on any date/time;
 - Advise if an interpreter is required (e.g. for Te Reo or sign language); and

- Advise if they wish to use any electronic media at the hearing (e.g. PowerPoint or videos).

For the DMC:

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

Alick Shaw
DMC Chair
22 December 2016