

## 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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M35 – Minute of the Decision-Making Committee – 15 March 2017

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#### Timetable for next steps

1. The current hearing schedule provides that evidence will be completed on Monday 20 March, and closing legal submissions will be heard between 17 and 21 March 2017. However, the DMC is aware that there remain a number of evidential matters still to be addressed so this scheduling is required to be changed.
2. The evidential matters include:
  - a) The request on 13 March 2017 for additional information from Dr Childerhouse and Dr Torres in respect of marine mammals.
  - b) The list of questions for Dr Robertson held over for reconvened expert conferencing on effects on fishing.
  - c) The request for “worst case scenario” modelling to be done (with results anticipated to be available on 16 March 2017).
  - d) The potential for the results of that modelling to be considered and commented on by other witnesses in respect of implications for effects arising from the application.
3. The DMC is also very mindful of other commitments that all parties will have that restrict availability to devote time to appearances at this hearing.
4. In addition to the evidential matters, there is also a question of a process for the development of proposed conditions, should these be required. As stated by the DMC at the hearing, the consideration of conditions does not suggest a decision has been made whether or not to grant consent, but consideration is required in order to ensure all necessary information is obtained before the close of the hearing.
5. A proposed timetable is attached as Appendix 1 setting out key steps and suggested timeframes. The DMC requests that parties consider this, and advise the EPA staff of any additional matters

needing to be scheduled, any dates when required people are unavailable, and any other material considerations as soon as possible.

**For the DMC:**

A handwritten signature in blue ink, appearing to read 'Alick Shaw', written in a cursive style.

Alick Shaw  
DMC Chair  
15 March 2017

## Appendix 1 – Proposed Timetable

All dates subject to confirmation

*Text italicised if proposed to change a date previously published on EPA website*

| <b>Date</b>             | <b>Event</b>   |
|-------------------------|--|
| 16 March 2017           | Receive further modelling information.   |
| 16 March 2017           | TTRL provide updated proposed conditions (possibility this could be provided at this time to assist discussion on adaptive management approach)  |
| 17 March 2017           | DMC consider whether sediment plume modelling witnesses reconvene expert conferencing to discuss modelling information, or recall any of these witnesses.  |
| 17 March 2017           | DMC ask relevant expert witnesses to provide comment on any impact arising from further modelling information on evidence by 24 March 2017   |
| 17 March 2017           | Planning evidence presented as scheduled, including discussion on planning aspects of adaptive management as provided for in Minute 34.<br><i>Or postpone any evidence on conditions until after further consideration by other experts of further modelling information received and updated proposed conditions – see revised timing option below.</i> |
| 17 and 20 March 2017    | Parties who responded to Minute 28 invited to discussion on legal aspects of adaptive management approach as provided for in Minute 34   |
| <i>20 March 2017</i>    | <i>TTRL provide updated proposed conditions (possibility this could be provided earlier to assist discussion on adaptive management approach – see above)</i>  |
| <i>20-21 March 2017</i> | <i>Closing statements by parties (propose moving this to later – see revised timing option below)</i>  |
| 21 March 2017           | DMC review whether expert conferencing to be reconvened and which topics (if any), or if any expert witnesses need to be recalled  |
| 24 March 2017           | Receive any requested comments on any impact from further modelling information from expert witnesses.   |
| 27-29 March 2017        | Reconvene any required expert conferencing (eg effects on fishing).  |
| 28/29 March 2017        | DMC attend site visit (tbc)  |
| 29 March 2017           | TTRL provide “final” updated proposed conditions (if needed after further consideration by other experts of further modelling information received)  |

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|----------------------------|--|
| 30-31 March 2017           | Attendance at hearing by experts recalled on specific matters, eg Dr Mark James, Dr Torres. Recall planning witnesses if required.   |
| 30-31 March 2017           | Closing submissions (if postponed from earlier) – followed by DMC adjourn hearing  |
| 10 April 2017              | EPA provide 2 <sup>nd</sup> conditions report with full analysis of TTRL “final” updated proposed conditions   |
| 10 April 2017 – 8 May 2017 | Parties have the chance to comment on updated proposed conditions and 2 <sup>nd</sup> conditions report, including expert conferencing and other facilitated discussion if appropriate.<br>Any final requests for information by DMC made and responded to in this period. |
| 8 May 2017                 | DMC close hearing (no additional information to be received) – 20 working days until decision due  |