

**BEFORE THE ENVIRONMENTAL PROTECTION AGENCY
AT WELLINGTON**

IN THE MATTER of the Exclusive Economic Zone and
Continental Shelf (Environmental
Effects) Act 2012 (“the Act”)

AND

IN THE MATTER of the applications by Trans-Tasman
Resources Limited (TTRL) for
marine and discharge consents to
recover iron sand under sections 20
and 87B of the Act and

AND

IN THE MATTER of an application under section 159
of the Act

BETWEEN **Trans-Tasman Resources Limited**
Applicant

AND **The Environmental Protection
Authority**
EPA

AND **Te Runanga o Ngati Ruanui Trust**
Respondent

MEMORANDUM ON BEHALF OF RESPONDENT
Dated the 12th of October 2016

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MAY IT PLEASE THE ENVIRONMENTAL PROTECTION AUTHORITY:

1. This Memorandum responds to the letter from Counsel for Trans-Tasman Resources Limited (TTRL) dated 11 October 2016 in response to the 5 October 2016 memorandum on behalf of Te Runanga o Ngati Ruanui Trust seeking a direction that the Environmental Protection Authority (EPA) extend the time period for submissions for a further 20 working days.
2. Te Runanga o Ngati Ruanui Trust needs to clarify two matters arising from TTRL's response to its request for an extension of time.
 - a. TTRL, at paragraph 2 of their response, suggest Te Runanga o Ngati Ruanui Trust's grounds for requesting an extension are confined to allowing time to consider and consult on the cultural aspects of TTRL's cultural impact assessment. This is not the case. Further grounds are set out in paragraphs 5, 8 and 10 of Te Runanga o Ngati Ruanui Trust's memorandum dated 5 October 2016.
 - b. TTRL, at paragraph 3 of their response, suggest that Te Runanga o Ngati Ruanui Trust agreed to prepare a cultural impact assessment at a meeting on 3 September 2015. This is not the case. While this was discussed during an informal meeting, Te Runanga o Ngati Ruanui Trust did not explicitly, or implicitly, commit to providing a cultural impact assessment in support of TTRL's application.
3. With respect to the latter of these two points, Te Runanga o Ngati Ruanui Trust strongly objects to the assertion that it has failed to deliver on a commitment to provide a cultural impact assessment and the implication that it failed to engage with TTRL. In the interests of setting the record straight, Te Runanga o Ngati Ruanui Trust has responded directly to TTRL's letter dated 11 October 2016 and a copy of that letter is annexed hereto for the information of the EPA.

4. With respect to the extension sought, Counsel notes that the EPA may, under s 159 of the Act extend a time period specified in the Act. There is no provision empowering the EPA to impose conditions on such an extension, such as those sought by TTRL.

DATED this 12th day of October 2016



Justine Inns
Solicitor for the Respondent