

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

Trans-Tasman Resources Limited iron sand extraction and processing application

M22 – Minute of the Decision-Making Committee – 9 February 2017

1. In Minute 12 the Decision-Making Committee (DMC) confirmed the hearing would be held in Wellington and New Plymouth.
2. The DMC has since received and considered a number of requests to review the decision and include in the list of hearing venues Whanganui, Hawera or Patea, Hamilton and Auckland.
3. The DMC addressed these requests in Minute 14 issued on 20 January 2017 confirming its original decision to hold the hearing in Wellington and New Plymouth.
4. On 24 January 2017 the DMC received a letter from Te Kaahui o Rauru seeking an explanation as to why the DMC cannot schedule a hearing on a Ngati Ruanui or Ngaa Rauru Kiitahi marae or be held in Hawera or Whanganui.
5. On 1 February 2017 a meeting was held between EPA staff and Ngati Ruanui following a direction from the DMC in Minute 12 for EPA staff to explore other options for recognising tikanga Maori either inside or outside the hearing context. During the meeting, Ngati Ruanui questioned EPA staff as to the DMC's decision on hearing locations, and also outlined in considerable detail their concerns with that decision, of which the DMC is fully aware.
6. The DMC has given close consideration over several days to these matters and the original decision as set out in Minute 12 and has come to the view that the original decision enables it to meet its statutory obligations under section 53 of the EEZ Act to establish a fair hearing procedure and to recognise tikanga Maori.
7. In making its decision, the DMC considered a number of factors which included:
 - a. logistical matters as to whether a location had appropriate venues, facilities and accommodation;
 - b. location of, and accessibility for, all participants involved in the hearing including submitters, witnesses, the applicant, EPA staff and the DMC;

- c. the number of hearing locations, in terms of administrative efficiency and cost involved in moving locations;
 - d. whether a marae-based hearing would be suitable;
 - e. geographic location of the proposed activities; and
 - f. previous hearing locations (but noting that no precedent is set in relation to the decisions made on previous applications).
8. The DMC does not intend to cause any offence to, or unreasonably disadvantage, any parties participating in the process. When all factors are considered and on a principled basis, the DMC remains of the view that holding the hearing in Wellington and New Plymouth will allow it to obtain the best available information, establish a fair hearing procedure and recognise tikanga Maori.
9. Accordingly, the earlier decisions set out in Minutes 12 and 14 are confirmed.

For the DMC:



Alick Shaw
DMC Chair
9 February 2017