

**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 (TTR) 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 158  
of the Act

**BETWEEN** **Trans-Tasman Resources Limited**  
Applicant

**AND** **The Environmental Protection  
Authority**  
EPA

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

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**MEMORANDUM ON BEHALF OF RESPONDENT**  
Dated the *5<sup>th</sup>* day of *October* 2016

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**MAY IT PLEASE THE ENVIRONMENTAL PROTECTION AUTHORITY:**

**Introduction**

1. This Memorandum is to seek a direction that the Environmental Protection Authority (EPA) extend the time period for submissions for a further 20 working days.
2. The EPA may extend the time period specified in the Act, s159(1) and must take into account the interests of any persons who, in the EPA's opinion, may be directly affected by the extension or waiver; and the interests of the community in being able to achieve adequate assessment of the potential effects of a proposal, s160.

**Background**

3. Te Runanga o Ngati Ruanui is the representative body of Ngati Ruanui, the Iwi which holds manu whenua for the South Taranaki bight, the area in which TTRL's application for marine consents and marine discharge consents to extract and process ironsand is located. As such Ngati Ruanui holds "existing interests" in the relevant area, as that term is defined in the Act.
4. Te Runanga o Ngati Ruanui intends to make a submission in relation to TTRL's application for marine and marine discharge consents.
5. In order to make a fully informed and well-reasoned submission, it is necessary for Te Runanga o Ngati Ruanui to properly understand and take advice on the content of TTRL's application. TTRL's application is voluminous and comprises over 2000 pages. In addition, the key issues document was published only on 30 September.
6. In addition, Te Runanga o Ngati Ruanui considers that in order to properly consider the cultural impacts of the application, it needs to consult with the hapu of Ngati Ruanui, a process which takes time if carried out with any integrity.
7. This is particularly important given that the consultant who prepared TTRL's cultural impact assessment did not consult with Ngati Ruanui.

8. Extension of the time limit for submissions would enable the EPA to have the best available information before it in considering TTRL's application and would best serve the interests of the community in that the EPA having full and complete information (by way of submissions from Te Runanga o Ngati Ruanui) goes directly toward it being able to achieve an adequate assessment of the potential effects of a proposal.
9. As the interests of TTRL are directly affected by this application, they have been notified of Te Runanga o Ngati Ruanui's intention to seek this extension, but have not indicated a view.
10. Granting an extension to the time frame for submissions would be consistent with the purpose and principles of the Act, in particular to provide the sustainable management of the natural resources of the exclusion economic zone and the continental shelf. It is noted that in order to achieve the purpose of the Act, decision makers must apply the information principles to the consideration of applications for marine consent. Specifically, the EPA must base decisions on the best available information (that in the particular circumstances is available without unreasonable cost, effort or time); s61.

DATED this 5<sup>th</sup> day of October 2016



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**Justine Inns**  
Solicitor for the Respondent

