

**BEFORE THE ENVIRONMENTAL PROTECTION AUTHORITY
AT WELLINGTON**

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

AND

IN THE MATTER of an application for a further extension of time for public submissions on the applications by Trans-Tasman Resources Limited for marine and discharge consents to recover iron sand under sections 20 and 87B of the EEZ Act

BETWEEN **Trans-Tasman Resources Limited**
Applicant

AND **Environmental Protection Authority**
EPA

AND **Fisheries Inshore NZ, New Zealand Federation of Commercial Fishermen, Talley's Group Limited, The Southern Inshore Fisheries Management Co Limited, Macdonald & Brown Limited and Cloudy Bay Clams Limited**
Fisheries Submitters

MEMORANDUM ON BEHALF OF FISHERIES SUBMITTERS

9 JANUARY 2017

Counsel Acting
ROBERT MAKGILL
BARRISTER

Instructing Solicitor
PETER DAWSON
DAWSON & ASSOCIATES

P 03 544 1967 F 03 544 1968 E peter@maritimelaw.co.nz
PO Box 3830, Richmond 7050, New Zealand

MAY IT PLEASE THE DECISION-MAKING COMMITTEE:

1. This memorandum is filed on behalf of Fisheries Inshore NZ (**FINZ**), The New Zealand Federation of Commercial Fishermen Inc, Southern Inshore Fisheries Management Co Limited, Macdonald & Brown Limited, and Cloudy Bay Clams Limited (collectively referred to as **the Fisheries Submitters**).
2. The Fisheries Submitters' memorandum addresses:
 - (a) M11 – minute of the Decision Making Committee (DMC), dated 15 December 2016; and
 - (b) Delayed disclosure of the list of persons who submitted on the application.

MEMORANDUM OF SUBMITTERS CONCERNING APPEARANCE AT HEARING

3. Minute 11 of the Decision Making Committee (DMC), dated 15 December 2016 requires Parties to have confirmed to the EPA by 12 pm on 11 January 2017:
 - (a) If they wish to speak at the hearing and any witnesses (both expert and non-expert) they wish to appear on their behalf (names and topics/area of expertise);
 - (b) If they wish to make an opening representation;
 - (c) Which hearing location they prefer or if they wish to present via video conference;
 - (d) If they are unavailable to appear at the hearing on any date/time;
 - (e) If they need an interpreter (e.g. for Te Reo Māori or sign language);
 - (f) If they intend to present information using any electronic media.
4. The Fisheries Submitters wish to speak at the hearing. The Fisheries Submitters will present evidence from the following witnesses (but not necessarily in this order):

Legal counsel

- (a) Robert Makgill and Peter Dawson

Expert witnesses

- (b) Joris Jorissen – Plume Modelling;
- (c) Helen Anderson – Environmental Planning;
- (d) Greg Barbara – Marine Scientist;
- (e) Bruce Clarke – Environmental Consultant;
- (f) Derek Todd – Principal Coastal and Hazards Scientist;

Fisheries witnesses

- (g) Ant Piper – Cloudy Bay Clams Limited;
 - (h) Andy Smith – both for APS Fishing Consultancy Limited and for Talleys Group Limited;
 - (i) Doug Loder – New Zealand Federation of Commercial Fishermen Inc;
 - (j) Dr Jeremy Helson – Fisheries Inshore NZ (FINZ); and
 - (k) Carol Scott – Southern Inshore Fisheries Management Company.
5. As the Fisheries Submitters are preparing their evidence to meet the 12pm, 24 January 2017 deadline for filing of submitters' evidence, they note that other potential witnesses may need to file evidence and that the expert witnesses may cover other areas of the application that are within their areas of expertise.
6. The Fisheries Submitters wish to present opening legal submissions.
7. The Fisheries Submitters prefer to present their evidence in Wellington and not in New Plymouth, but it is possible that one of the witnesses may wish to

present his evidence via video conference during the Fisheries Submitters' presentation.

8. The Fisheries Submitters do not need the services of an interpreter.
9. At this stage, the Fisheries Submitters intend to use Powerpoint and other electronic media for their presentations.

DELAYED DISCLOSURE OF THE LIST OF PERSONS WHO SUBMITTED ON THE APPLICATION

10. The Fisheries Submitters would appreciate knowing who the other submitters on this application are and what they state in their submissions. The Fisheries Submitters understand that EPA is working through the list of submitters and is trying to upload a complete list as soon as it can.
11. The Fisheries Submitters request DMC to direct the EPA, if it has not already done so, to make completion and uploading of this list and the submitters' submissions a priority.

DIRECTIONS SOUGHT

12. The Fisheries Submitters Respectfully seek the following directions:
 - (a) That this memorandum be made available on the EPA website upon receipt of the same by the DMC/EPA.
 - (b) That the DMC direct the EPA to upload a list of all Submitters to its website as soon as possible.

Dated this 9th day of January 2017



**Jill Thomson for Robert Makgill
Counsel for Fisheries Inshore NZ, The
New Zealand Federation of Commercial
Fishermen, Southern Inshore Fisheries
Management Co Limited, Macdonald &**

**Brown Limited and Cloudy Bay Clams
Limited**