

1 May 2017

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New Zealand

Amy Selvaraj
Project Leader
Environment Protection Authority
Private Bag 63002
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Our ref: F18733
By email

Dear Amy

Re: Trans Tasman Resource Limited application – Request from the DMC

Trans-Tasman Resource Limited has applied for a marine consent to extract and process iron sand within the South Taranaki Bight. Maritime New Zealand (MNZ) staff attended at a hearing being held by the Decision-making Committee (DMC) appointed by the Environment Protection Authority (EPA). The DMC indicated that they would follow up on questions at the hearing with written requests.

By email dated 13 April 2017, the EPA requested the following advice and information from MNZ on behalf of the DMC and requested a written response. The request stated:

There was a discussion around how close mining could get to structures specifically wellheads. There is a capped wellhead in the mining area. This issue has been identified by Origin.

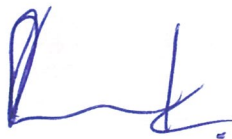
Question 1: What does MNZ consider is a safe area, or an appropriate exclusion zone in metres, around a capped well for this proposed mining activity?

Question 2: Are the mounds and pits that result from mining activity at the start and end of each mining lane a hazard that MNZ need to consider in delivering its functions (since they are man-made, not natural topography).

We understand that the request for advice is made under section 55 (4) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

MNZ's response to address the queries is attached.

Yours sincerely



Paul Vorwerk
Principal Technical Advisor

Question 1 – What does MNZ consider is a safe area, or an appropriate exclusion zone in metres, around a capped well for this proposed mining activity?

It is not part of MNZ's functions to specify a safe area or exclusion zone around structures. Where a safety zone around an installation is considered necessary or appropriate, this is established by the Ministry of Transport under powers conferred by the continental shelf act 1964. These can, and generally do, extend out to a maximum of 500 metres from the installation. This is consistent with Jurisdiction given to coastal states in the EEZ under UNCLOS. The Ministry of Transport is better placed to advise on the analysis they undertake in these cases.

MNZ does not specify safe areas around potential hazards to navigation. The purpose of identifying and providing information on potential hazards to navigation is to enable the master to make appropriate decisions about safe navigation. What is safe around a specific hazard will depend on the nature of the hazard, the vessel (including its manoeuvrability), its operations and the broader operating environment (weather, tides, wind, etc). Under maritime legislation, the master is responsible for the safe operation of the ship.

In very general terms, from a technical maritime safety perspective, a capped well would be a hazard for anchoring purposes, but not for navigating purposes as the well would be below the draught of the vessel concerned. MNZ does not consider a sea-bed crawler to be navigating and as such cannot form a view on how close a seabed crawler should be allowed to a structure.

Question 2 – Are the mounds and pits that result from mining activity at the start and end of each mining lane a hazard that MNZ need to consider in delivering its functions (since they are man-made, not natural topography)?

MNZ consider that whether the mounds and pits that result from the mining activity are a hazard is an objective test depending on the nature of the maritime operation concerned, but this would be irrelevant of whether they are man-made or natural topography. As mentioned in response to Question one above, what is safe around a specific hazard will depend on the nature of the hazard, the vessel (including its manoeuvrability), its operations and the broader operating environment (weather, tides, wind, etc). Ultimately this test is for the Master of a ship to determine.

If a safety related incident were to occur, in any subsequent investigation MNZ would consider whether the vessel was operated in a safe manner based on the information available to the Master.

MNZ consider that the information on potential mounds and pits could be useful for a Master to inform the safety of a maritime operation that interacts with the seafloor. In this context MNZ consider that the area covered by these mounds and pits should be notified on relevant charts (a function of Land Information New Zealand) and masters of maritime operations need to consider the hazard in relation to their operation.