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Rāhina, 12 Hakihea, 2016

### **Submission: Trans-Tasman Resources Ltd. – Seabed Mining Application**

Tēnā koe,

1. On behalf of Te Korowai o Ngāruahine Trust (TKONT), we welcome the opportunity to provide a submission to the Trans-Tasman Resource Limited (TTRL) application to excavate up to 50 million tonnes per annum of iron sand from the seabed in the South Taranaki Bight, a process that will remove iron particles from the sand and return the remaining de-ored sediments to the seabed. The application covers an area of 65.76 kilometres and is 22 to 36 kilometres offshore of Pātea, in depths ranging from 19 to 42 metres. The activity will be carried out using a subsea sediment extraction ‘Crawler’ device. Following the processing of the seabed minerals, the remaining de-ored material will be returned to the sea floor.

### **Our Interests**

2. TKONT has existing interests in the area subject to the Application. Our interests in the area are first and foremost as tangata whenua with a recognised area of interest from the Waingongoro to Taungatara rivers and extending out from that coastline, thus the health and wellbeing of our traditional rohe is impacted by the health of its surrounding waters. Additionally, we hold a fishing quota within FMA 8 and Ngāruahine currently has proceedings in the High Court and with the Office of Treaty Settlements in relation to the

Marine and Coastal Area (Takutai Moana) Act 2011. Alongside the other iwi of South Taranaki we are deeply affected by the TTR application.

3. We also note that TKONT is the post-settlement governance entity for Ngāruahine Iwi and our submissions do not preclude any of the individual hapū of Ngāruahine making their own submissions to this process.
4. Furthermore, TKONT does recognise Ngāti Ruanui Iwi as mana whenua of the area directly offshore of the proposed application area.

### **The Application**

5. TKONT would first like to express our disappointment with the lodging of this application. The TTRL application submitted in 2012 has already been rejected by the Environmental Protection Authority. During this application process the weight of evidence and the strength of feeling from iwi and community provided certainty as to the unacceptable and damaging nature of this practice. Despite the applicant's claims that they have addressed the concerns raised from the original application, TKONT does not agree with this position.
6. We would also like to express our disappointment at the short timeframe given over for submitters to raise their concerns. TKONT is a small iwi with a small team and it is less than reasonable to require us or indeed any submitter to read, process and evaluate 42 plans, two applications and two impact assessments. There is an imbalance of resources, time and an access to specialist data that prejudices our engagement from the start.

### **Uncertainty**

7. TKONT is particularly concerned about the level of uncertainty that persists in respect of the potential adverse environmental effects. The magnitude of the proposal means that to grant an approval is a lottery with our environmental and cultural future. We are concerned about the ecosystem effects and the loss of important already threatened species and habitats. We remain concerned about our fishing interests, and assert that our statutory recognised interests will be harmed, not in the immediate short term, but

certainly once the operation commences and at which point it will be too late to protect our waters.

8. The purpose (S.10) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 is to promote sustainable management with specific regard to: sustaining the potential of natural resources to meet future generations, safeguarding the life supporting capacity of the environment and avoiding, remedying or mitigating any adverse effects. An approval of this application will be a direct breach of the Act.
9. The applicant has been unable to provide assurances without doubt, that their operation is safe. The application does not provide unequivocal evidence that these operations will be safe for the marine environment, today, tomorrow and for our long term future. Until we have this certainty, this application should not proceed. To grant the application would be a contravention of S.59 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, which states that where “the information available is uncertain or inadequate the EPA must favour caution and environmental protection.”

### **Consultation Process**

10. Section 6 of the Assessment of Environmental Effects (AEE) details that consultation processes that have been undertaken to date. This section highlights that the lack of consultation with affected parties was one of the reasons for rejecting the 2012 application – the Authority reporting that the applicant had failed to sufficiently address the affected parties existing interests. Within the current application, the applicant has provided extensive commentary about their consultation strategy and had recorded the degree to which the identified stakeholders have engaged in this current process. It is clear from the information given in the impact assessment that none of the identified iwi and no other stakeholder (except Origin) are in favour of the applications – there are still far too many potential consequences and unknowns remaining.
11. From the perspective of TKONT there have been very limited attempts to engage in a substantive dialogue about the application, and even where the conversation has occurred there has been very little done to alleviate the concerns of the iwi over the practices that

arise from the sea bed mining. With an application of such magnitude, the scatter gun approach to 'consultation' in a period of a year has not allowed the affected parties to build a trusting relationship with the company; relationships that are needed to robustly and honestly address the concerns that remain about this application. Indeed for TKONT we have only had limited interaction over a short period of time This is not effective consultation practice. The lack of engagement we have experienced is in sharp contrast to the engagement that has taken place with the Taranaki Regional Council – where, as the application notes, conversations have been taken place for two years before the application was submitted. This is quite telling about whose interests are afforded more attention.

12. Insufficient time, even with the extension was given for iwi to respond to over forty reports. Again, the applicant is attempting to bury our community in data with too little time and too few resources to be able to respond to every aspect of the application. The applicant is using its financial power to disempower as many other people as it possibly can, and constrain the people of South Taranaki from being able to engage effectively and meaningfully in this process. It is also shocking that the applicant was able to withhold information from the application – again prejudicing the transparency and completeness of the process.

### **Cultural Values Statement**

13. TTRL engaged Tahu Potiki to undertake a Cultural Values Assessment in March 2016. The objective of this assessment was to directly respond to the issues raised by Ngāti Ruanui, who hold mana whenua over the area in which the applicant is proposed. As whanaungatanga to Ngāti Ruanui, TKONT stands beside them in respect of the concerns that they have extensively raised in opposition to this applicant. Mr Potiki is of the opinion that TTRL has sufficiently addressed the concerns raised by Ngāti Ruanui, however this assertion is made purely on the basis of a limited document analysis process.

14. Despite his obvious credentials and mana, Mr Potiki defines the Māori worldview as a “religious philosophy” and not a scientific fact (Potiki, 2016, S.5.2). Immediately this

language demeans the Māori worldview as less credible and less trustworthy. What this position fails to account for is the credibility of mātauranga Māori as an alternative equally credible scientific method.

15. TKONT suggests that the Cultural Values Statement cannot be submitted and used as a substantive piece of evidence to signal that the TTRL application has addressed Ngāti Ruanui's concerns. Only an Assessment or other commentary from Ngāti Ruanui can do this. From a broader perspective, Report 41 is the only attempt across the 42 reports to attempt to consider the cultural concerns. TKONT would have expected to see attention to the cultural considerations woven into the specific assessment reports. TKONT is also very disappointed by the absence of recognition of a Te Ao Māori worldview in the body of the Impact Assessment. Clearly, the cultural considerations were an afterthought, not a recognition that is truly embedded in the TTRL application. Clearly, TTRL has not addressed the concerns raised in the original application – the existing interests of the identified stakeholders have not been sufficiently addressed.

### **Māori Relationship to the Marine Environment**

16. As tangata whenua, Ngāruahine iwi share an intimate spiritual, cultural, social and historical association with the whenua, wai māori (freshwater) and takutai moana (foreshore and seabed) within its rohe. Since long ago to the present, the iwi is acknowledged as having mana whenua within its South Taranaki rohe. However, the ability of Ngāruahine iwi to exercise its kaitiakitanga has been undermined through the loss of access, use and management of the natural resources vital for sustaining Ngāruahine iwi, their culture and way of life within the rohe.
17. Māori have a special relationship with the marine environment; a relationship that cannot be delineated by boundary's between commercial operations. The ocean is a cultural site of significance for iwi, and as Māori we take seriously our role as kaitiaki of the sea. It is difficult for Māori to protect the māuri of the moana, without their rights being sufficiently respected, acknowledged and responded to as part of the EPA processes. The Committee is therefore urged to recognise the significance that Māori give to the marine environment as a whole, and to consider the cumulative effects that each single operation has to the

integrity of New Zealand's marine environment. This cumulative impact is particularly important in Taranaki where our region is subject to the most intensive minerals explorations in the country, both on and off shore and every new activity and consent adds pressure to eco-systems and environments that are already subject high levels of impacts that are frequently assessed as "negligible", "minor", "un-noticeable" or "uncertain" due to the paucity of historical impact data.

18. It is also not wholly clear whether the applicant understands the significance of the marine coastal environment to tangata whenua. In section 3.11.8 the applicant states that there will "typically be no effects on the existing interests" of the iwi groups. In a series of documents that span thousands of pages, very little attention is given to acknowledging the impacts that the activities have on the iwi and hapū cultural values. Given the fact that this was one of the reasons that the application was rejected last time, and given the emphasis that the legislation puts on understanding iwi impacts, we would question whether the considerations given in the documentation are anywhere near a level to be considered sufficient.

19. The interests of Māori are given limited attention within the impact analysis. There are intermittent references to Treaty Settlements and fishing rights, but there is no recognition or understanding of Te Ao Māori. TKONT would expect to see a strong Cultural Impact Statement by the applicant given the resources at their disposal and its investment into other parts of the impact assessment.

### **Impact on TKONT Cultural Values**

20. TKONT's cultural values are impacted in many ways. These are summarised in the following sections.

### **Mana**

21. As part of the Māori creation story, Ranginui (Sky Father) and Papatūānuku (Earth Mother) were separated by their children Tāne Mahuta (Tāne of the Forest) and his many siblings. As a result of this act, ngā roimata a Ranginui (the tears of Ranginui or rain) fell upon the

earth, as the eternal expression of his grief and love for Papatūānuku. These feelings were reciprocated by Papatūānuku through the rising emotion back to Ranginui through mists and fog. For this reason, in some accounts, rain is considered tapu (sacred or pure state), only becoming wai Māori once it touches the ground. Te mana o te wai (the mana of water) then, stems largely from its direct association with these archetypal figures of Ranginui and Papatūānuku. However, upon reaching the ground, the tapu and therefore the mana of water changes as it interacts or is affected by other materials, substances or elements. From a te Ao Māori view, the greater the change of wai māori and wai moana from its original tapu state, the more affected its mana, and therefore its efficacy, particularly in maintaining and sustaining a quality of life not just for iwi Māori, but all peoples living in Aotearoa-New Zealand.

## Mauri

22. In some schools of Māori thought, for some “thing” (physical object), one (individual), group (whānau, hapū, iwi, hāpori [community]) or system (ecosystem) to have mana, it must, as a pre-requisite, have mauri. Mauri is often described as the essential quality and vitality of something, one or system. The wiriwiri (quivering hand) for example, often seen performed by members of a rōpū kapa haka Māori (Māori cultural performing group), indicates that one is fully present in the moment - physically, mentally, emotionally and spiritually - for all intents and purpose it is a state of mauri ora, being fully alive. The same phenomena can also be observed for all water. From a te Ao Māori view, the mauri of wai māori and wai moana can be assessed as follows:

- a) *Sight*: colour and flow of the water, presence of objects, materials, silt, etc., foaming, presence of aquatic and plant and animal life;
- b) *Sound*: sound of crashing waves, water rushing over sand and rocks, hum of insect life, cries and warbling of bird song;
- c) *Taste*: taste and texture of the water;
- d) *Touch*: the viscosity, temperature and strength of water flows; and
- e) *Smell*: flinty odour of rocky rivers, rich earthy odours of riverbank and riparian environments.

23. Coupled with a body of knowledge built upon centuries of observation, working with, harvesting from, and caring for the sea, assessing the mauri of a natural resource was critical to the wellness and well-being of whānau and hapū. Without such a knowledge based on an intimate understanding of mauri, the survival of whānau, hapū and iwi would always have been in doubt.

24. These criteria combined with a body of knowledge developed over hundreds of years, continues to inform uri, whānau and hapū of the vitality, the health, the mauri of wai māori and the moana.

### **Whakapapa**

25. Whakapapa (genealogy) is the tracing of one's genealogical descent from primordial times to the present. It establishes ones biological and kinship credentials, ones affiliation to others, and ones connection to place, both spiritually and physically. Whakapapa forms an important basis for the organisation, transmission and creation of new knowledge, through a sequential ordering of the creation of the universe. In doing, so whakapapa enables connections and inter-relationships to be made between the physical, social and spiritual spheres, the past, present and future.

26. More importantly however, it is through whakapapa, that iwi Māori understand, acknowledge and share an intimate relationship with wai māori and the moana. That relationship is based on a body of knowledge, which clearly illustrates how iwi Māori whakapapa to every aspect, manifestation and phenomena of the natural world, including wai māori and the moana. It is also on the basis of this relationship that, over the centuries, an environmental ethic unique to Aotearoa has developed, that of *Kaitiakitanga*.

### **Kaitiakitanga**

27. Kaitiakitanga is a culturally based environmental ethic, which obliges tangata whenua to protect, use and sustainably manage resources from the natural environment. This

approach is informed by centuries of observation, and knowledge and familiarity of the environment around us.

28. That knowledge and experience also informs the *kawa* (protocols), *tikanga* (processes) and *ture* (rules) developed to ensure the mauri of the natural world is maintained. While interrupted by colonisation, and the subsequent impacts of land loss and access to traditional mahinga kai, this body of knowledge and associated traditional practices are still exercised today by Ngāruahine uri.

29. Kaitiakitanga then, is our way of acknowledging the aroha the whenua, ngā awa and the moana show towards us, through the selfless provision of kai and resources. It also acknowledges the extent to which the mana of the whenua, wai māori and moana has indelibly influenced Te Ao Māori – the values, concepts, philosophies, language, processes and practices.

30. And this is why we are deeply concerned about the TTR application. With the extraction of minerals from the seabed and the re-deposition of demineralised sand, the abundance and quality of our marine kai is compromised. Each time the Government grants a permit that is environmentally invasive, it lessens our mana, affects the extent to which we can meet our obligations to Tangaroa, further harms our cultural identity, and reduces the mauri of our environment, which affects us all.

### **Customary Fishing Rights**

31. The applicant acknowledges the customary fishing rights held by Ngāruahine, Ngati Ruanui and Ngā Rauru. The applicant makes an unequivocal statement, “It is considered that the project will not result in any effects on the existing customary interests” (3.11.10). We challenge the authority by which this claim has been made. It is also our experience from other regulatory processes that applicants make such statements and a permit or consent is awarded and then we as iwi feel the negative effects of the activity. Once the consent or permit has been issued, we challenge whether the EPA would be minded to revoke a permit. We also feel uncomfortable that a costly, lengthy burden of proof will be placed on

iwi, who has less resources than TTRL. There is no guarantee that our customary fishing rights will not be adversely affected.

## **Tukutai Moana**

32. Takutai Moana is an important consideration because the marine and coastal area extends up into the rivers from the coast. The coastal area (which includes the abutting land) is significant to Māori. It provides a source of food, materials for production, places to live, to celebrate; they are places of sustenance and life. The tauranga waka (canoe launching sites) along the coastline represent landing sites of considerable historical, cultural and spiritual significance. We need to be mindful of how the activities and practices within our coastal area can compromise not only the mauri of moana, but also the adjacent land and waters.

## **Protection Principles**

33. Little attention has been given to the protection of areas, which are of significant interest to Māori. It would have been useful for the applicant to recognise the value of considering how their proposed activity would impact on such areas. Within the Ngāruahine Deed of Settlement (2013), protection principles have been established for areas of land and water, which Ngāruahine share an intimate cultural, spiritual, historical and traditional relationship. These principles provide a very strong foundation to 'test' the cultural appropriateness of the activity.

- a. Protection of wāhi tapu, indigenous flora and fauna and the wider environment;
- b. Recognition of the distinct Iwi mana, kaitiakitanga and tikanga;
- c. Respect for the distinct tikanga and kaitiakitanga;
- d. Encouragement of recognition and respect for the particular association Iwi with the stated lands and water;
- e. Accurate portrayal of the separate and distinct associations and kaitiakitanga relationship of Iwi with the lands and waters;
- f. Respect for and recognition of the distinct relationship of Iwi with wāhi tapu across the rohe; and

- g. Recognition of the interest of Iwi in actively protecting species within the defined areas.

34. Judging the application against these principles, it is evident that the application fails to meet the required tests.

### **Effects of the Activity on the Coastal Marine Environment**

35. Within the impact assessment, the applicant has detailed a number of areas where the proposed activity may have an effect on the environment, although its assessment considers them to be small or negligible. From a Te Ao Māori perspective, we cannot consider the issues in isolation. A major flaw in the application process is the dominance of the western scientific method that isolates and compartmentalises one issue next to the other. In no part of the application have we seen an evaluation of the cumulative impacts or the interconnections of harms and effects within the marine environment. As already stated the short timeframe that has been afforded to us to reply to this application, and the lack of resource that we have compared to TTRL places us at a disadvantage when providing a comment. It is incumbent on the EPA's Māori Advisory Committee to ensure that our cultural interests and comments are supported with the same weight of evidence and expertise that is available to the TTRL global conglomerate

36. The specific concerns of TKONT are set out below:

a) *The loss of marine habitat and marine species*

There is likely to be a change in the abundance and diversity of some macro benthic communities and fish species. It is not clear what the cumulative effects of long term sea bed mining will have on the marine habitats and associated aquatic species. There is still very little data to accurately predict the the impacts on species from sediment or on the migratory paths of those species. The evidence provided does not support a negligible impact.

We refer the applicant to the recently published Report, *Sensitive Habitats and Threatened Species in the Taranaki Coastal Marine Environment* (Johnston, 2016) commissioned by the

Taranaki Regional Council<sup>1</sup>. The report concluded that five threatened invertebrate species matches were in close proximity to the Taranaki Coastal Marine Environment (TCMA) and 13 sensitive habitat groupings (including important coral species), 11 of which were present in the Taranaki Coastal Marine Environment. As a result of the findings, Johnston wrote, “results suggest that the TCMA could be more ecologically significant than previously thought” (p.23). Clearly the South Taranaki blight has a very rich biological and habitat diversity which is already under threat. We are therefore very concerned that this operation will result in the presence of threatened invertebrate species with the CMA borders.

*b) Increased turbidity of the water around the operations*

A reduction of light intensity is likely to affect photosynthesis, particularly marine life and marine mammals. Increased turbidity of water is also likely to affect sea birds ability to capture food from the waters. The evidence provided does not support a negligible impact.

*c) Effects on marine mammals*

The South Taranaki coastal environment is a habitat for some endangered marine mammals, and all efforts should be made to protect these species (International Union for the Conservation of Nature – Antarctic Blue Whale and Pygmy Blue Whale). It is not clear what effects the operations will have on these endangered species, and further research, including marine mammal surveys must be required to understand the effects of the activities on marine mammal life. More effort needs to be placed into this area. It is likely that the noise and the plume effects will drive mammals away from this area. This will have a devastating effect on the surrounding ecosystem.

*d) Impact on commercial fishing operations*

The operations affect access to marine fishing grounds. It is not clear the extent to which the activities will affect the abundance of fish populations and diversity of fish species. TKONT wishes to understand the extent to which the activities will affect the fishing

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<sup>1</sup> <https://www.trc.govt.nz/assets/Documents/Plans-policies/CoastalPlanReview/SensitiveHabitats.PDF>

interests and access to the fishery quota derived from the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. Because the fisheries area will be impacted by the plume, uncertainty remains about how this disturbance will impact of fish patterns, spawning and migration in the affected area.

e) *Impact on customary fishing rights*

We also draw to the attention of the Committee our concerns about the on-going sustainability of and access to customary fishing grounds and mahinga kai and the quality of the kai moana.

f) *Seafloor threats*

The sea floor supports a vast population of organisms including crustacean. The majority of the crustacean species are aquatic, living in either marine or freshwater environments and are an important part of the food chain. The suction dredging will remove the entire top surface of the seafloor which in turn will kill all aquatic life that lives within this space. Marine crustaceans are as ubiquitous in the oceans as insects are on land, however even the sheer numbers of these species is not going to save them from the force, pace and term that may be granted for this activity. The Cultural Values Statement reflects on the ability for the mauri of an environment to regenerate. TKONT challenges this assertion, the ferocity and frequency of this intense activity means that the timeframes for regeneration are not known – indeed we strongly question whether regeneration is even possible. We are also concerned that the disturbance of the seafloor will mobilise other pollutants that may have settled, such as heavy metals that has the potential to bio accumulate in fish species.

g) *Plume threats*

The sand mining will create a gigantic plume of sediment roughly 50km in length and 20km wide (approximately 2-3 times the area of the Egmont National Park). Without doubt this will put at risk the ocean's food chain. Phytoplanktons are the foundation of the aquatic food chain, the primary producers, feeding everything from microscopic animal like zooplankton to multi ton whales. Like its land plant counterpart its growth is dependent on the availability of carbon dioxide, sunlight and nutrients such as nitrate, phosphate, silicate

and calcium at various levels depending on the species. They also require trace amounts of iron which limits their growth in large areas of the ocean because iron concentrations are very low. Other factors that influence growth rate includes water temperature and salinity, water depth, wind as well as what kinds of predators are grazing on them.

Zooplankton on the other hand is the bottom of the food chain and is grazed on by the smallest fish to the largest whale. A small component of this community called krill is the basic diet of the many summer feeding whales. The ever increasing depletion of the ozone layer brings with it the threat of ultraviolet radiation which in turn affects this community. Because they are the basis of the food chain for a great many animals in lakes and oceans these larval animals may not be strong enough to withstand the impact of increased radiation. More importantly, the impact this application will have on their survival and very existence will be very adverse. This is in line with the applicant's decision to move the activity further offshore out past the 12 nautical mile limit. On the other hand material returned to the seafloor will smother communities thereby having a choking effect on all organisms living within the water column.

Large sub tidal reefs known as the 'north and south traps' located offshore from Pātea, together with other rocky outcrops with high diversity will be affected by the sediment plume. Processing of sediments by magnetic separation will increase the concentrations of certain trace metals by two orders of magnitude in the returned mined sand, exceeding New Zealand and Australian guideline values for the protection of 80% of species in certain cases.

The plume will adversely affect the physical, chemical and biological character of the seafloor, and the resilience of the plants and animals which rely on the stability of this ecosystem. The effects of the plume may not be immediately felt, but they will most certainly manifest over the medium term, by which time it may be too late. We simply do not know how many decades may be needed to restore the stability of the seabed.

#### *h) Coastal erosion*

Mining of this magnitude will remove non-renewable sand resources that supply west coast beaches up to Cape Reinga. South Taranaki already has severe coastal erosion issues

and this mining activity has the potential to exacerbate the erosion. There will be modification of the seafloor as well as natural wave and currents through the removal and re-interment of sand. A prime example is the Ōhawe Beach 15 kilometres west of Hāwera. This stretch of coastline had been mined for shingle, aggregate over a fifty year period. The mining was intense and was carried out seven days a week which resulted in erosion taking place and continues to be so at a rapid pace. Rips and undertows in the sea have made this beach one of the most unsafe places to swim and surf.

### **Decision Making and Te Tiriti o Waitangi**

37. Māori have a unique relationship enshrined in Te Tiriti o Waitangi, and the decisions and determinations made by the EPA Committee in furtherance of the Act affect, and potentially limit the ability of iwi to have their treaty obligations met. TKONT therefore suggests that it is incumbent on the committee to undertake the application process in line with Te Tiriti o Waitangi. We do not feel that the obligations of partnership, protection and participation have been sufficiently met. We suggest that this application is a breach of the Treaty of Waitangi because it fails to provide active protection to our interests, our taonga and our obligations of kaitiakitanga over the marine environment.

38. Section 12 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (the Act) states:

*In order to recognise and respect the Crown's responsibility to give effect to the principles of the Treaty of Waitangi for the purposes of this Act, —*

- (a) section 18 (which relates to the function of the Māori Advisory Committee) provides for the Māori Advisory Committee to advise the Environmental Protection Authority so that decisions made under this Act may be informed by a Māori perspective; and*
- (b) section 32 requires the Minister to establish and use a process that gives iwi adequate time and opportunity to comment on the subject matter of proposed regulations; and*
- (c) sections 33 and 59, respectively, require the Minister and the EPA to take into account the effects of activities on existing interests; and*

*(d) section 45 requires the Environmental Protection Authority to notify iwi authorities, customary marine title groups, and protected customary rights groups directly of consent applications that may affect them.*

39. Section 59 of the Act sets out the decision-making criteria for EPA's consideration of application. TKONT note that the Committee must consider any advice received from the Māori Advisory Committee. The Māori Advisory Committee has not sought guidance from the iwi of Taranaki to inform its advice to the committee and there are no (stated) whakapapa links from the committee members. It is particularly disappointing to note that the matters of significance to iwi are not part of the decision making criteria.

40. It is therefore not clear what role the Māori Advisory Committee has played to date, in advising the EPA Committee about the Māori perspective as it relates to the management and protection of coastal waters. Because the Māori Advisory Committee has not engaged with the iwi of Taranaki, they are not able to reflect our perspectives and positions in relation to this application. It is therefore difficult to understand what advice they may give other than a broader Māori viewpoint, which is not to be diminished, but it is not necessarily the view of TKONT or the other Taranaki iwi.

41. The obligation of the Committee under the Act is to give iwi adequate time and opportunity to comment on the matters set out in the application. TKONT does not consider the timeframe adequate for iwi to be able to successfully digest and understand the vast documentation, and provide a robust and substantive response. The applicant has had the luxury of time, a wealth of expertise and skill and an extensive resource to support its development of the application. The same is not true of iwi. This process represents an power imbalance in favour of the applicant.

#### **Applicant's Obligations as an Environmental Exploiter**

42. New Zealand's regulatory systems recognises that some commercial exploitation of natural resources may occur but this is not a carte blanche and as part of the social contracts with other New Zealand residents, corporates who undertake these activities must accept some accompanying obligations and restrictions on operations.

43. Section 59(2)(d) of the Act requires the EPA to consider “the importance of protecting the biological diversity and integrity of marine species, ecosystems, and processes” and at (e) “the importance of protecting rare and vulnerable ecosystems and the habitats of threatened species.” It is not the obligation of TTRL alone to carry the weight of this obligation, but it does have a role to play, as it will be adversely affecting the biosecurity of the marine environment.
44. The māuri of wai and the moana is complex, and the cumulative effects of each aspect of the operations negatively affect the marine species and the associated ecosystems. The applicant could be more mindful and responsive to this, as they conduct their commercial operations. Moreover, if they wish to take their environmental responsibilities seriously, they would be encouraged to go beyond the bottom line required by the legislations, and consider acts and investments that can restore the environment. The applicant needs to address the way in which it currently meets its social contract obligations with the Taranaki community and in particular the Taranaki eco-systems. A \$50,000 per annum payment to the South Taranaki District Council for distribution does not re-dress the harms that will arise from this application, and indeed represent a very poor economic return to the environment that will be being debased by this proposal.

#### **Economic Benefit versus Economic Costs**

45. The assessment provides considerable detail about the economic opportunities realised from the operations, however fails to consider the economic costs to other sectors – loss of fish stocks, loss of fishing opportunities, other commercial opportunities, and tourism, and the costs of a spill or collision. The assessment details the large economic benefits that have been received by a relatively small group of people. In regards to the company’s social investment, this represents a very small proportion of their profits back to the community. In particular we note the environmental impacts are inherently located within South-Taranaki. The financial benefits are either located in New Plymouth, or elsewhere in the country, or offshore. We would have expected to see a more comprehensive assessment of opportunity costs and wealth distribution from an applicant with the resources at TTRLs disposal.

## Conclusion

46. The preference of TKONT is to not disturb our seabed and marine environment with invasive environmentally damaging operations. TKONT notes the conditions and contingencies posed by the applicant; however TKONT is not convinced that the activity can avoid or mitigate devastating long term effects on our natural environment. For this reason, and because we are vehemently opposed to this application, TKONT is not providing any comment on the conditions.

47. This application should be declined in full.

48. Thank you for the consideration of this submission. Please contact me at [REDACTED] or Cassandra Crowley Kaitumuaki, regarding the matters raised at [REDACTED]

49. TKONT would like the opportunity to speak to this submission.

Naku iti noa, nā



(Dr Louise Tester, Kairangahau Matua)

On behalf of Dr Will Edwards, Pouwhakahare

cc Project Director, Trans-Tasman Resources Limited, [EEZSubmissions@ttrl.co.nz](mailto:EEZSubmissions@ttrl.co.nz)