

Submission Form

Marine Consents and Marine Discharge Consents Application

Date Created: 27/10/2016 01:37:21 p.m.

SUBMISSION119661

Submitter Name:

de Jong

Martin

Caritas Aotearoa New Zealand

Hard Copy Form

Incomplete Submission

Marine Consents and Marine Discharge Consents Application

Application Name: Trans-Tasman Resources Limited iron sand extraction and processing application

EPA Reference: EEZ000011

Applicant: Trans-Tasman Resources Limited

Notification Date: 17 September 2016

Submissions Close: Extension of submission period to 5:00pm, Monday 14 November 2016
Originally submission period was to close 5:00pm, Friday 14 October 2016

3. Electronic correspondence

You will receive information by email. If you are unable to receive emails, please indicate below:

I cannot receive electronic copies of information and updates

4. Do you wish to speak to your submission at the hearing?*

I / We **do not wish** to speak about my / our submission at the hearing.

OR

I / We **wish** to speak about my / our submission at the hearing.

If you **wish to speak** at the hearing, tick as many as apply to you:

If others make a similar submission, I / we will consider presenting a joint case with them at the hearing.

I / we wish to present in Te Reo Māori.

I / we wish to present in New Zealand Sign Language.

I / we intend on having legal representation (i.e. a lawyer speaking on your behalf).

I / we intend to have expert witnesses to support my / our submission.

5. What decision do you want the EPA to make and why?*

If you require more space, please attach additional pages. Please include your name, page numbers and *Trans-Tasman Resources Limited iron sand extraction and processing application* on the additional pages.

- Grant
- Grant with conditions
- Neutral
- Decline

My reasons for seeking this decision are:

Please see full submission attached for our reasons.

6. Do you have an existing interest that may be affected by what is proposed in this application?

Lawfully established existing activity, whether or not authorised by or under any Act or Regulations, including rights of access, navigation and fishing

Any activity that may be undertaken under the authority of an existing marine consent

Any activity that may be undertaken under the authority of an existing resource consent granted under the Resource Management Act 1991

Settlement of a historical claim under the Treaty of Waitangi Act 1975

Settlement of a contemporary claim under the Treaty of Waitangi as provided for in an Act, including the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992

Protected customary right or customary marine title as recognised under the Marine and Coastal Area (Takutai Moana) Act 2011

What is your existing interest and how may it be affected by this application?

If you would like to attach any supporting documents please do so below.



Caritas Submission on TTR
application to mine
ironsands_27 Oct.pdf
Adobe Acrobat Document
520 KB

Only ONE PDF or Word document with a maximum size limit of 15MB can be attached to this submission form. Please forward larger files or file types other than PDF or Word, or multiple documents directly to the EPA on a CD or DVD or USB stick.

Email Address

I wish to receive a copy of my completed submission via email.

27 October 2016



The Catholic Agency for Justice, Peace & Development

Submission
to the
Environmental Protection Authority
on
**Trans-Tasman Resources Ltd application for iron sand extraction
and processing off South Taranaki coast**

All of this helps us to see that every intervention in nature can have consequences which are not immediately evident, and that certain ways of exploiting resources prove costly in terms of degradation which ultimately reaches the ocean bed itself. – Laudato Si', para 41.

Introduction

1. Caritas Aotearoa New Zealand is the Catholic agency for justice, peace and development, mandated by the New Zealand Catholic Bishops Conference to undertake advocacy, education, development and humanitarian programmes in Aotearoa New Zealand, the Pacific, and other parts of the world.
2. As a Bishops agency charged with promoting social and environmental justice, we prioritise the needs of the poorest and most vulnerable members of our community, including future generations whose ability to live on a habitable planet may be compromised by over-zealous exploitation of resources.
3. Our work is informed by Catholic social teaching which provides a robust ethical framework to consider social and environmental questions. Catholic social teaching principles particularly relevant to this application include:
 - **Stewardship:** We are responsible for caring for and protecting the gifts God has given us, including the natural environment, which is a gift for all humanity to share in.
 - **Solidarity:** We are members of one human family, and look out for the wellbeing of others, including future generations.
 - **Preferential protection for the poor and vulnerable:** The needs of poor and vulnerable people in our world must be a priority in public decisions.
 - **The universal destination of goods:** The earth and all it produces is intended for every person. We are responsible for using resources wisely, so that all people in the world and future generations can live in dignity.
4. In June 2015, Pope Francis released a letter, *Laudato Si': On Care for our Common Home* (LS) addressed to "every person living on this planet", noting the combined social and ecological crisis affecting the earth, which he called 'our common home'. In it, he wrote these words which apply directly to this application to mine ironsands just 30 kilometres offshore from Aotearoa New Zealand and export them elsewhere to the world:

Men and women have constantly intervened in nature, but for a long time this meant being in tune with and respecting the possibilities offered by the things themselves. It was a matter of receiving what nature itself allowed, as if from its own hand. Now, by contrast, we are the ones to lay our hands on things, attempting to extract everything possible from them while frequently ignoring or forgetting the reality in front of us. ... the idea of infinite or unlimited growth ... proves so attractive to economists, financiers and experts in technology. It is based on the lie that there is an infinite supply of the earth's goods, and this leads to the planet being squeezed dry beyond every limit. It is the false notion that "an infinite quantity of energy and resources are available, that it is possible to renew them quickly, and that the negative effects of the exploitation of the natural order can be easily absorbed". (LS 106)

5. Over the last three years, we have published reports on the Oceania environment which highlight the impacts of offshore seabed mining as a significant concern to coastal communities, indigenous communities and the Catholic Church in a number of Pacific countries. People are concerned that seabed mining represents a 'new frontier' of exploitation, with as yet unknown consequences. In our State of the Environment for Oceania Report of 2015 we recognised the earlier EPA refusal of consent to Trans-Tasman Resources (TTR) as a good application of the precautionary principle where not enough was understood about potential adverse effects. Our latest State of the Environment Report for Oceania (2016) quotes a statement from the Federation of Catholic Bishops of Oceania, who said in the context of concern about seabed mining that "The sea is a treasure for all and should never become a 'playground of exploitation'."
6. We oppose this present TTR application and detail our reasons below in terms of potential environmental impacts and consultation with relevant local communities.

Damage to marine environments

7. Throughout the Pacific, local Churches and communities are opposing offshore and deepsea mining activities because of the likely damage to fragile marine environments. Where the full impact of new environmental activities are unknown, the precautionary principle and protection of the environment must take priority.
8. Though TTR has provided additional scientific data with this application, we believe the 'unknowns' indicated from TTR and EPA reports still preclude the proposed activity going ahead.
9. Though NIWA analysis indicates no unique benthic life, mining operations will destroy life in the area, and we note that EPAs' technical export report by AECOM indicates insufficient data to predict a timeframe for recovery.
10. There is also potential for impacts outside the immediate mining area. Our reading of possible impacts of seabed mining is that sediment plumes - from mining of sediment and return of de-ored sediment - represents one of the most potentially significant impacts. TTR's own technical reports acknowledge that some sediment will drift into other areas, including landward into the coastal marine area. It will therefore potentially affect sea life and fisheries in that area. We note that TTR relies primarily for assessment of wider impacts on the accuracy of the sediment transport model used by NIWA, and that many of the technical reports relating to this are heavily redacted unless interested parties enter into a confidentiality agreement with TTR.

Consultation with mana whenua inadequate

11. TTR's Impact Assessment (IA) acknowledges Ngāti Ruanui as holding mana whenua over the project area and that despite an obvious breakdown in relationship, it says TTR still wishes to engage with them. However, consultation with mana whenua has clearly been inadequate, from TTR's own account: it appears to have relied on a generic "community engagement package" to different iwi representatives and depended on an email for a key point of communication about proposed consent conditions and mitigation measures. From our experience, this is inadequate when engaging with tangata whenua.
12. TTR summarises Ngāti Ruanui's concerns as a series of 'unsubstantiated assertions', but does not detail how those assertions are unsubstantiated. However, from the summary, it appears – reasonably in our view – that Ngāti Ruanui require more detailed information about TTR's environmental practises and scientific data; and consider that their proposed confidentiality agreement is non-commercial and would unnecessarily restrict Ngāti Ruanui. In addition, Ngāti Ruanui said TTR's attempts to engage fell short of Ngāti Ruanui's best practice engagement protocols. Ngāti Ruanui have also publicly stated their opposition to the proposal through a hikoī and protest at Parliament on 19 September. We agree with TTR's statement that it can be assumed that Ngāti Ruanui has not changed their minds about opposing this application.
13. The United Nations Declaration of the Rights of Indigenous Peoples, which New Zealand has joined, upholds the principle of 'free, prior and informed consent' for proposed activities affecting areas over which indigenous peoples have responsibility – as Ngāti Ruanui do in the South Taranaki Bight region. This means the free consent of the relevant indigenous community must be obtained prior to authorisation of an activity, and ensuring that all relevant information is presented to communities and civil society accurately, and in an accessible manner independent of vested interests - according to the Declaration. Clearly, such consent has not been obtained and TTR is not willing to provide all relevant information on terms acceptable to Ngāti Ruanui. On this basis alone, the application should not proceed.

Potential impact on customary fishing practices

14. TTR's IA says at least 40 species of shellfish, crustaceans and fish are customarily gathered or fished from the South Taranaki Bight, and that "they are important for coastal iwi and hapū". However, it says "there is no comprehensive or systematic assessment of these fisheries" and "little information to indicate how these fisheries have trended over the last 100 years in relation to the development and growth of commercial and recreational fisheries."
15. Despite this, TTR concludes in the same section of the IA, that "overall, it is considered that the project will not result in any effects on the existing customary fishing interests", with no evidence or rationale for making this conclusion. It is another example where not enough is known about potential impacts, indicating the application should be declined.

Conclusion

16. We hold that this application should not proceed, because it will damage the immediate ocean environment, have potential unforeseen impacts elsewhere, and does not have the approval of key indigenous communities likely to be affected.