

Submission Form

Marine Consents and Marine Discharge Consents Application

Date Created: 14/10/2016 12:04:50 p.m.

SUBMISSION115593

Submitter Name:

Smith

Andy

Talleys Group Limited

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:

As per attachment 'TGL Initial Submission 14.10.2016'.

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?

As per attachment 'TGL Initial Submission 14 10 2016'.

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



TGL Initial Submission 14
10 2016.docx
Microsoft Word Document
138 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.



TALLEY'S GROUP LTD
NELSON DIVISION

MAITAI WHARF PORT NELSON
P O BOX 7064 NELSON 7042
NEW ZEALAND
TELEPHONE: 0064-3-548-0109
FAX: 0064-3-548-2695
WEBSITE: www.talleys.co.nz

Your reasons for seeking this decision are:

1. Talleys have read and support the FINZ submission for the reasons outlined therein.
2. Talleys is concerned about the potential for adverse effects on the commercial fishery including:
 - a. changes in the catch-ability of fin fish quota species and skipjack tuna;
 - b. decrease in fish quality both in the wild catch and on Talley's aquaculture farms;
 - c. negative consumer perception of lesser grade fish being caught from around the mined area that adversely affect its marketability;
 - d. decline in fish stock biomass (or stocks shifting elsewhere);
 - e. illegal, unrecorded and unmanaged takings of quota species by the mining activity not covered by Annual Catching Entitlements (ACE);
 - f. fish stocks shifting temporary or permanently because of noise, light, sediment pollution;
 - g. length of time fish stocks take to re-colonise the area;
 - h. changes to the TACC in relation to changes in fish biomass;
 - i. incidental seabird mortality;
 - j. constraints on vessel movements, and including the size and location of the varying buffer (exclusion and no go areas).
3. Further, the rich upwelling of nutrients that occur in the Taranaki Bight as a result of coastal currents and gyres are vital to the food sources of clams and finfish species. There has been inadequate consideration of the effects of current flows, upwelling and dispersal of nutrients in the South Taranaki Bight (including the STB) on commercial fish species.
4. Talleys considers the proposal fails to satisfy the requirements of the EEZ Act because *inter alia* it:
 - a. Does not include an impact assessment prepared in accordance with section 39 insofar as it fails to:
 - i. identify the effects of the activity on the environment and existing interests;
 - ii. identify persons whose existing interests are likely to be adversely affected by the activity;

- iii. specify the measures that the applicant intends to take to avoid, remedy, or mitigate the adverse effects on existing interests or the environment;
 - iv. contain information in such detail as corresponds to the scale and significance of the effects that the activity may have on the environment and existing interests; and
 - v. contain information in sufficient detail to enable the Environmental Protection Authority and persons whose existing interests are or may be affected to understand the nature of the activity and its effects on the environment and existing interests;
- b. fails to satisfy the decision-making criteria under ss.59 and 60 of the EEZ Act and the information principles under s.61 of the EEZ Act;
 - c. fails to take a precautionary approach in the face of uncertain information and the risk of potential significant effects on the environment and existing interests;
 - d. fails to provide sufficient baseline information against which an adaptive management approach might be taken;
 - e. is contrary to the Supreme Court's decision of in *Sustain Our Sounds Inc. v NZ King Salmon Company Ltd [2014] NZSC 40 (SC)* insofar as:
 - i. there is poor baseline information about the receiving environment;
 - ii. the conditions do not provide for effective monitoring of adverse effects using appropriate indicators;
 - iii. thresholds are unlikely to trigger remedial action before effects become overly damaging; and
 - iv. effects are unlikely to be remedied before they become irreversible;
 - v. is contrary to the s.10 sustainable management purpose of the EEZ Act insofar as it fails to manage the use, development, and protection of natural resources in a way, or at a rate, that enables people to provide for their economic well-being.
5. Talley's is a commercial fishing company and quota owner that is directly affected by the proposed mining operation. The revised TTR assessment fails to comprehensively identify Talley's existing fishing and aquaculture rights and the potential for their proposed mining operation to adversely affect Talley's economic wellbeing. There is a high probability that the proposed iron sand mining operation will adversely affect Talley's existing fishing rights and the way that we manage our west coast inshore and deep water fishing fleets.
6. TTR's consultation with the fishing industry has been inadequate and incomplete resulting in much uncertainty about the nature, extent and effects of the proposed activity and how the current application addresses the deficiencies of the previous application.
7. TTR have been engaged on refreshing their application for consents for the past 3 years, and it is submitted that a 4-week timeframe to assimilate and respond to the new application, Impact Assessment and in excess of 40 reports is inadequate.

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

8. Info from previous sub.

Signed:

A handwritten signature in blue ink, appearing to read 'A. Smith', with a small flourish at the end.

Andy Smith
Operations Manager

Talleys Group
Nelson Division

Ph: +64 3 5480109

Fax: +64 3 5482695

Mobil: +64 21 337756

andy.smith@nn.talleys.co.nz

P.O.Box 7064 Nelson

www.talleys.co.nz