

Submission Form

Marine Consents and Marine Discharge Consents Application

Date Created: 14/10/2016 10:23:19 a.m.

SUBMISSION115401

Submitter Name:

Broughton

Anne Marie

Taranaki Whanganui Conservation Board

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:

The Board is unable to give its support to the application and requests that the Decision-making Committee decline the application for marine consents under section 20 of the EZZ Act and also for a marine discharge consent (collectively referred to as marine consents) for three main reasons: ? The concerns raised in the Key Issues report which we share; ? Iwi concerns; and ? The lack of access to key information as a result of significant redacted material.

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.



Taranaki Whanganui
Conservation Board
submission on the Trans-
Tasman Resources Limited
2016 application.pdf
Adobe Acrobat Document
243 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.

10 October 2016

TTRL Application
Environmental Protection Authority
Private Bag 63002
Waterloo Quay
Wellington 6140

Email: TTRLApplication@epa.govt.nz

Tena koutou

Submission on
Trans-Tasman Resources Limited 2016 application
to extract and process iron sand within the South Taranaki Bight

The Taranaki-Whanganui Conservation Board's role is to promote conservation of, and advocate for, New Zealand's natural and historic resources in its area of responsibility. The Board's area of responsibility covers DOC's boundaries for the Whanganui and Taranaki areas within the greater Central North Island region. It encompasses some 15,000 sq. km of land extending from the Mokau River in the north to the Turakina River in the south and inland to Ohura, Taumarunui and Raetihi. The coastal boundary that extends along the Board's district includes the West Coast North Island Marine Mammal Sanctuary and the Tapuae and Parininihi marine reserves as well as the long established Nga Motu/Sugar Loaf Islands Sanctuary and Conservation Park. See the map attached in Appendix 1. Under section 6N of the Conservation Act 1987 the Board may advocate for conservation in any statutory planning process. In addition, section 3A of the Marine Mammals Protection Act 1978 gives the Department of Conservation responsibility for the administration and management of marine mammals and marine mammal sanctuaries.¹

The Board has taken an interest in proposed iron-sand mining in the South Taranaki Bight since prior to the 2013 application by Trans-Tasman Resources Limited (TTRL) for a similar proposal. In 2013, for example, the Board received presentations from TTRL. The Board has had fieldtrips to the Taranaki coastal area to inspect coastal erosion and coastal vegetation and also to build its understanding of the marine ecosystem. The Board made a submission requesting that the 2013 application be declined.

The Board's interest is related to environmental effects and in particular the impacts on conservation values. The Board has three specific areas of concern: (1) defaunation of benthic species and damage to benthic ecosystem (2) impacts on dolphins, whales, NZ fur seals and seabirds in the project area and (3) potential impacts on coastal erosion. As a statutory body the Board shares the Crown's Treaty obligations and wishes to recognise the kaitiakitanga role of South Taranaki iwi and support their submissions.

¹ For further information, see the Board's annual report at <http://www.doc.govt.nz/about-us/statutory-and-advisory-bodies/conservation-boards/taranaki-whanganui/annual-report/>

The Board is unable to give its support to the application and requests that the Decision-making Committee decline the application for marine consents under section 20 of the EZZ Act and also for a marine discharge consent (collectively referred to as marine consents) for three main reasons:

- The concerns raised in the Key Issues report which we share;
- Iwi concerns; and
- The lack of access to key information as a result of significant redacted material.

In addition, the Board supports the request of Te Rūnanga o Ngāti Ruanui for an extension to the deadline. Like Te Rūnanga o Ngāti Ruanui, the Board has been challenged by the size of the application documentation.

The Board notes that the Key Issues report published by the EPA highlights the following issues:

- The discharges of sediment including its off-site dispersion – referred to as the ‘sediment plume’ – and the various direct and indirect effects of this sediment;
- The proposed environmental triggers/limits and the adaptive management approach;
- The physical seabed and subsoil disturbance effects as a result of the extraction and structures (anchor placement and removal);
- Effects on Māori existing interests;
- The exclusionary effects in and around the project area; and
- The economic benefits to New Zealand

The Board is concerned that significant information is not publicly available despite the public interest in such information. The Board is very disappointed with the DMC’s decision that the wider public interest in access to sensitive information is of less importance than possible prejudice to TTRL’s commercial position. Without transparency, it is not possible for the Board and other submitters to have and understand the full details about the applicant’s information. Requiring submitters to sign a confidentiality agreement sets a dangerous precedent for future resource consent processes.

The Board notes that sections 61(1)(b) and 87E of the EEZ Act (Information principles) requires the DMC to base its decision on the best available information which is defined as meaning ‘the best available information that, in the particular circumstances, is available without unreasonable cost, effort, or time’.

The Key Issues report notes that the discharge of sediment is a key issue associated with the proposed activities. Some of the sediment discharged will disperse away from the project area, this being referred to as the ‘sediment plume’, and there are several direct and indirect effects associated with the sediment plume. Section 2.3.6 of the IA (page 26) refers to the discharge from the hyperbaric pressure filter aboard the floating storage and off-loading vessel as ‘clean resalinated water’. However, the Key Issues report notes that the EPA’s technical experts on benthic ecology are concerned that discharges from this filter may be a further source of fine sediments, depending upon the maximum size of sediment particles that can pass through the filter. If this discharge contains sediment, then marine discharge consent will be required to authorise its discharge into the sea. The Key Issues report notes that the discharge of sediment is considered a key issue because there are a number of direct and indirect potential effects on the environment associated with the sediment within the plume, including:

- a. Impacts on physiological processes including clogging of respiratory surfaces and feeding structures and processes for animal biota;

- b. Smothering of benthic habitats and communities from sediment deposition;
- c. Avoidance of sediment plumes by fish, birds, and mammals;
- d. Reduced primary production in the water column and on the seabed or reefs through reduced light availability as a result of increased suspended sediment concentrations;
- e. Reduced prey and prey detection for fish, birds, and mammals; and
- f. Release of contaminants (nutrients and toxic compounds).

The Key Issues report also highlights uncertainty about the sediment modelling by the applicant. It notes that some of the sediment will be transported away from the project area by sea currents and winds, including landward of the EEZ boundary into the coastal marine area (CMA).

The Board does not consider that laboratory tests on samples of sediment from the South Taranaki Bight can provide adequate understanding of the behaviour of the de-ored sediment once discharged. There are further uncertainties as highlighted in para 45 of the Key Issues report where it is noted that the EPA's technical experts cannot verify the accuracy and reliability of the predicted suspended sediment source which is dependent on data provided by TTR.

The Key Issues report also points out that the sediment plume modelling study only considers the discharge of de-ored sediment and not the other three sediment sources for which marine discharge consents are sought. The Board notes that the 2013 application by TTR was declined because of uncertainties and inadequacies in the information provided by the applicant about potential adverse environmental effects. In conclusion, the Board notes that the EEZ Act requires the EPA to favour caution and environmental protection (sections 61(2) of the EEZ Act). The Board considers that the application does not ensure that the life-supporting capacity of the environment will be safeguarded or that the adverse effects of the proposal will be avoided, remedied or mitigated, given the uncertainty associated with the scientific information that is available and also the incompleteness of the information about such things as sediment effects.

Paragraph 99 of the Key Issues report notes that the habitat and benthic biota are expected to recover over time, the actual timeframe is not known and the adverse effects at a local scale will be significant immediately following the mining activities.

As well as the impact on benthic habitats the Board is concerned about the impacts on marine mammals including the nationally endangered Hector's dolphin and nationally critical Maui's dolphin. The proposed seabed excavation is too close to this habitat and if excavation is to proceed then the operation and its effects need to be restricted to an area well past the 12 nautical mile limit.

The Board is aware from its site visits that the coastline is very dynamic. Erosion leads to loss of productive farmland but also loss of threatened indigenous biodiversity and wider ecosystem impacts.

In summary, the Board is not confident that there is sufficient knowledge about the impacts seabed excavation on marine wildlife and ecosystems in the dynamic environment of the STB. We understand that seabed excavation has not been done elsewhere in the world previously other than for diamond

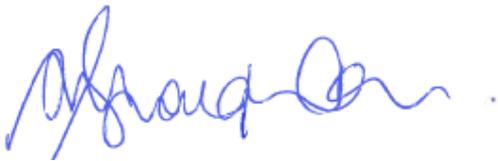
excavation in Namibia. The Board is concerned about the impacts on marine mammals (in particular, dolphins and whales) and seabirds which are present in the project area.

The Board does not have resources to independently assess the claims made in the evaluation of marine ecological effects. If the application is approved, the Board would like to see independent monitoring of the environmental effects of the first year of extraction including the effects of sediment plumes.

The Board would like to have the opportunity to have input into the Environmental Monitoring Management Plan.

The Board is happy to receive electronic copies of documents. The Board would like to speak to this submission. If others make a similar submission, we will consider presenting a joint case with them at the hearing. We do not intend to have legal representation. Board members have other work commitments and do not expect to be available to participate in meetings or mediation. However, we strongly support the request of iwi to hold a hearing on a South Taranaki marae.

Thank you for the opportunity to make a submission.

A handwritten signature in blue ink, appearing to read 'Anne Marie Broughton', followed by a period.

Noho ora mai
Anne-Marie Broughton
Chairperson
Taranaki/Whanganui Conservation Board

cc: Chairperson, NZCA, email nzca@doc.govt.nz; Project Director, Trans-Tasman Resources Limited, email EEZSubmissions@trl.co.nz

Appendix 1
Map showing Taranaki-Whanganui Conservation Board area of responsibility

