

Your Comment on the Taranaki VTM Project

Please include all the contact details listed below with your comments.

1. Contact Details	
Please ensure that you have authority to comment on the application on behalf of those named on this form.	
Organisation name (if relevant)	Te Kāhui o Taranaki Iwi
First name	[REDACTED]
Last name	[REDACTED]
Postal address	[REDACTED]
Phone number	[REDACTED]
Email (a valid email address enables us to communicate efficiently with you)	[REDACTED]

2. We will email you draft conditions of consent for your comment			
☒	I can receive emails and my email address is correct	☐	I cannot receive emails and my postal address is correct

3. Please select the effects (positive or negative) that your comments address:			
☒	Economic Effects	☒	Sedimentation and Optical Water Quality Effects
☒	Effects on Coastal Processes	☒	Benthic Ecology and Primary Productivity Effects
☐	Fished Species	☐	Seabirds
☒	Marine Mammals	☐	Noise Effects

☐	Human Health Effects of the Marine Discharge Activities	☐	Visual, Seascape and Natural Character Effects
☐	Air Quality Effects	☒	Effects on Existing Interests
☒	Other Considerations (please specify): Climate Change Effects		

Tēnā koe,

*He pukeao taa Tahurangi
He rua taa Rua Taranaki
He pou taa Maruwhakatare
He pou hoki taa tenei whakatupuranga*

*Ko Taranaki te Mouna
Ko Taranaki te iwi
Ko Taranaki te tangata
Ko te puna i heke mai ai te tangata
E kore e pau ti ika unahi nui*

The following comments are provided to the Expert Panel on the Taranaki VTM Project [FTAA-2504-1048] by Te Kāhui o Taranaki Iwi (Te Kāhui o Taranaki).

Under section 53 of the Fast-track Approvals Act 2024, Te Kāhui o Taranaki Iwi:

- is a relevant iwi authority and treaty settlement entity; and
- in partnership with our hapu, has recently renewed a section 186A temporary closure of fishing for Western Taranaki under Part 9 of the Fisheries Act 1996^{1,2}.

Under section 46(1) of the Act, Te Kāhui o Taranaki Iwi is also:

- an iwi authority that is affected by the application; and
- a customary marine title group and protected customary rights group that is affected by the application.

¹ <https://www.mpi.govt.nz/dmsdocument/66795-Fisheries-Western-Taranaki-Temporary-Closure-map-2024/>

² <https://www.mpi.govt.nz/consultations/proposed-temporary-fisheries-closure-in-western-taranaki/>

Te Kāhui o Taranaki is also a PSGE for the Taranaki Claims Settlement Act 2016 and MIO for Taranaki Iwi under sections 4(1)(d) and (e) of the Fast-track Act, including for the purposes of the Treaty of Waitangi (Fisheries Claims Act) Settlement Act 1992.

Te Kāhui o Taranaki opposes this project due to a comprehensive lack of evidence regarding potentially adverse environmental effects and poor economic cost-benefit analysis. We encourage the Expert Panel to adopt the precautionary approach set out in Policy 3 of the New Zealand Coastal Policy Statement 2010.

Introduction

1. Te Kāhui o Taranaki Iwi is the mandated post-settlement governance entity (PSGE) for Taranaki Iwi. In 2010 negotiations began with the Crown to settle the historical Treaty claims of Taranaki Iwi, culminating in the Taranaki Iwi Claims Settlement Act being passed into law in 2016.
2. We note the Crown's apology in the settlement Act and the Crown's intention to – *“ease the heavy burden of grievance and sorrow that Taranaki Iwi has carried for so many years, and to assist Taranaki Iwi in its pursuit of a better future. To this end, the Crown looks forward to building a relationship with Taranaki Iwi based on mutual trust, co-operation, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles.”*
3. We direct the panel's attention to our Iwi Environmental Management Plan – Taiao, Taiora – which was formally endorsed by Te Kāhui o Taranaki in February 2018³. Our comments reflect and reaffirm the positions taken in the plan and it is our expectation that those positions are understood and addressed by the Expert Panel. Of significance is chapter 11.4 – Tangaroa-ki-Tai which states:

- **The seas that bind the Coastal Marine Area are known by Taranaki Iwi as Ngā Tai a Kupe (the shores and tides of Kupe). Tangaroa ki Tai also includes the domain and seas out to the exclusive economic zone and to Hawaiki.**

4. Policy 5 of Taiao, Taiora contains the following:

Consideration of activities in the realm of Tangaroa-ki-Tai will include a requirement to assess the activity against the following cultural values:

- *Economic development and sustainability – the degradation of the marine environment impacting on the potential for the development of our fishing rights, and our ongoing capacity and ability to be economically sustainable where proposed activities and the cumulative impact associated with those activities may limit aspirations for self-sufficiency.*
- *Consideration should also be given to ownership and Treaty rights in respect to activities in Tangaroa-ki-Tai, including:*
 - *Recognition of tangata whenua ownership rights of petroleum and mineral resources.*
 - *Requirement that royalties or financial contributions are paid to tangata whenua for all revenue generated from the development of petroleum and mineral resources within the rohe of Taranaki Iwi.*

³ https://issuu.com/tekahuiotaranakiwi/docs/taiao_taiora_-_environmental_management_plan_for_t

- *Recognition of Customary Marine Title and ownership of petroleum and mineral resources under the Marine and Coastal (Takutai Moana) Act 2011.*
- *Requirement that central government agencies and departments involved as regulators, decision makers and/or administrators of New Zealand Petroleum and Minerals programmes recognise the Treaty requirements under all relevant legislation such as the Crown Minerals Act 1991.*

Effects on Existing Interests

Fast-track Approvals Act 2024

5. The development, introduction and passing of the Fast-track Approvals Act (FTAA) is considered a direct assault on the rights and interests of Taranaki iwi and hapū. Those rights and interests include the principles of te Tiriti o Waitangi/the Treaty of Waitangi as confirmed in Taranaki Iwi Claims Settlement Act 2016. It is disappointing that a project which has had its resource consents quashed by both the High Court and Supreme Court is now attempting to progress through the Fast-track process⁴.

The rāhui for Western Taranaki

6. As part of the Taranaki Claims Settlement Act 2016, a Fisheries Protocol was issued by the Ministry for Primary Industries⁵. This protocol makes provision for recognising and supporting the right of Taranaki Iwi to manage their customary fisheries according to their customs and traditional practices with the Protocol Area⁶.
7. Subsequently, Te Kāhui o Taranaki has supported ngā hapū o Taranaki Iwi in a successful temporary fisheries closure in Western Taranaki under section 186A of the Fisheries Act 1996. The closure follows a previous temporary closure supporting a rāhui placed by Taranaki Iwi Kaumatua in January 2022.
8. Taranaki Iwi and hapū explicitly requested a 2-year closure to the harvest of:
 - all shellfish, including crayfish;
 - all seaweeds, excluding beach cast seaweed;
 - all anemones;
 - all stingrays; and
 - conger eel species (*Conger wilsoni* and *Conger verreauxi*).

⁴ [Case Brief: Trans-Tasman Resources Limited v The Taranaki-Whanganui Conservation Board \[2021\] NZSC 127](#)

⁵ [Taranaki Iwi Documents Schedule 5 Sep 2015](#) page 56

⁶ [Taranaki Iwi Documents Schedule 5 Sep 2015](#) page 60

9. Iwi and hapū requested the closure to:

- allow more time for further population recovery;
- collect data over a sufficient time scale; and
- to establish longer-term protection strategies.

10. The section 186A closure provides Treaty settlement-based support of the rāhui and enables Iwi and hapū to manage customary fisheries according to their tikanga within the Protocol Area.

11. In order to establish longer-term protection strategies to protect our taonga species, we will need data which is dependable, consistent and effective. Te Kāhui o Taranaki is concerned that the risk this project would pose to our data collection is significant given the now 10-year-old reports the applicant has provided. This uncertainty affects the ability of Iwi and hapū to undertake projects that provide for the species population recovery that the rāhui and section 186A actions are predicated on.

12. In May this year, Te Kāhui o Taranaki joined with the other Post Settlement Governance Entities of Taranaki in supporting amplifying the concerns of Southern Iwi to seabed mining and TTRL⁷. We reaffirm our support for Ngāti Ruanui, Ngā Rauru, and Ngāruahine and their deep opposition to the destruction of their ancestral reefs, food sources and unique ecological habitats of South Taranaki.

Effects on coastal processes, Benthic Ecology and Primary Productivity Effects, Sedimentation and Optical Water Quality Effects

13. We feel it important to note that the voluminous NIWA reports provided in the applicant's substantive application does not include the Environmental risk assessment of discharges of sediment during prospecting and exploration for seabed minerals⁸.

14. NIWA was engaged by the Ministry for the Environment to undertake this assessment of the environmental risk of sediment discharges arising during exploration and prospecting for iron sands on the shelf along the west coast of the North Island, phosphorite nodules on the Chatham Rise, and seafloor massive sulphide (SMS) deposits along the Kermadec volcanic arc.

15. The effects taken into account were clogging of respiratory surfaces and feeding structures of marine organisms, shading of photosynthetic organisms, diminished capacity for vision by predators and prey, known toxic effects, noise, avoidance of the discharge area by mobile species, and smothering of organisms on the seafloor.

⁷ <https://www.rnz.co.nz/news/national/564845/iwi-must-deal-with-us-whether-they-want-us-or-not-seabed-miners>

⁸ <https://environment.govt.nz/assets/Publications/Files/environment-risk-assessment-discharges-sediment-niwa-report-pdf.pdf>

16. The ecosystem components evaluated were the benthic invertebrate community in the discharge environment, the demersal (bottom-associated) fish and mobile invertebrate (squid, octopus, scallops, large crabs) community, the air-breathing fauna, comprising marine mammals, seabirds and turtles, sensitive benthic environments, as defined in the Permitted Activities Regulations 2013, and the pelagic community, including phytoplankton, zooplankton, fish, and larger invertebrates.
17. The scale of discharges that could potentially arise from the prospecting and exploration phases of seabed mining ranges from 1 t or less to, in the case of iron sands, close to one million tonnes. To indicate where thresholds may occur, whereby the risk of adverse effects to the environment would be minor or less, we assessed discharges of sediment of 1 t, 10 t, 100 t, 1,000 t, 10,000 t, 100,000 t and 1,000,000 t.
18. The discharge of sediment into surface waters, mid-water or near the seabed (defined as in the bottom 5% of the water column) was also evaluated since this will determine the size of the consequent sediment dispersal plume and the thickness and extent of the material deposited on the seafloor. NIWA also assessed the consequences of the discharge being from a single point at one time or from multiple points over the permit period that sum to the same total discharge under consideration.
19. Using this qualitative approach, NIWA assessment indicates that, at the scale of sampling undertaken to-date by mining companies prospecting and exploring for seabed minerals, the consequences are likely to be negligible or minor. However, NIWA also concluded that discharges of sediment during exploration and prospecting for seabed minerals can reach major or severe levels of consequence for the most sensitive marine benthic habitats occurring in each of the seabed mineral areas, depending on the size of the discharge, but that catastrophic consequences were never reached over the scales of discharges considered.
20. Severe consequences indicate extensive impacts, with between 60 and 90 percent of a habitat affected within the area being assessed, causing local extinctions of some species if the impact continues, with a major change to habitat and community structure. Recovery is likely to take one or two decades. Severe consequences for sensitive marine environments were reached at discharge scale of 1,000,000 t on the shelf along the west coast of the North Island.
21. We note the following current issues from Taiao, Taiora (Tangaroa-ki-Tai):

There is a risk associated with environmental degradation to taonga species and mahinga kai from activities such as seabed mining, bottom trawling, drilling, and discharge as those activities can pollute and destroy the habitats and food resources of those species.

There is a fragmented approach taken to managing customary, non-commercial and commercial fishing practices, which is not helped by a lack of good information and monitoring mechanisms required to track what state the fisheries are in. This can lead to the localised depletion of inshore fisheries, in particular those species that are most favoured by many such as pāua and kōura.

22. The following objectives for Taranaki Iwi are set out in the Tangaroa-ki-Tai chapter:

“Mai I te Kahui Mouna ki Taranaki” – the capacity and integrity of the aquatic environment, habitats and species are sustained and enhanced at levels that provide for current and future use.

Coastal habitats are protected from adverse development and introduced species.

Kaimoana is healthy and plentiful and cultural harvests and non-commercial takes are prioritised over commercial takes.

23. Policies for Tangaroa-ki-Tai include:

Taranaki Iwi will oppose any activity which degrades the natural balance present in the living ecosystem and environment of Tangaroa-ki-Tai, including:

- *Mining and prospecting of any kind in the marine area; and*
- *Activities which degrade or restrict access to mātaihai areas.*

Marine Mammals

24. The 2015 NIWA report provided by the applicant on *Zooplankton and the processes supporting in the Greater Western Cook Strait* identifies that the limited data available to the authors is from the 1970's and 1980's.

25. Recent research undertaken by Oregon State University indicates that the South Taranaki Bight region is home to a unique, genetically distinct population of Blue Whales⁹. These whales use the area for foraging, nursing, and breeding. The research also identifies that increasing marine heatwaves result in the distribution of krill aggregations further offshore.

Climate Change Effects

26. Marine sediments play a vital role in regulating climate change by accumulating and burying carbon on timescales of thousands to millions of years and are one of the largest repositories of organic carbon on earth¹⁰.

27. Advisory opinion of the International Tribunal on the Law of the Sea has found that Aotearoa New Zealand has obligations under international law to:

- reduce the impacts of climate change on marine areas;
- apply an ecosystem approach to marine law and policy; and
- reduce pollution and support the restoration of the ocean.

⁹ Barlow, D. R., Klinck, H., Ponirakis, D., Branch, T. A., & Torres, L. G. (2023). Environmental conditions and marine heatwaves influence blue whale foraging and reproductive effort. *Ecology and Evolution*, 13, e9770. <https://doi.org/10.1002/ece3.9770>

¹⁰ https://www.itlos.org/fileadmin/itlos/documents/cases/31/Advisory_Opinion/C31_Adv_Op_21.05.2024_orig.pdf

28. The ability of marine sediments to regulate climate on shorter timescales is less certain. Anthropogenic activities such as dredging and anchoring, seabed mining, and bottom trawling have the potential to release sedimentary organic carbon back into overlying seawater¹¹. There is a risk that this carbon is remineralised into CO₂ and consequently offsets the oceans absorption efficiency for taking up atmospheric CO₂.

Economic Effects

29. The FTAA sets out the requirements for economic analysis:

1. the criteria for assessing the application. These are that the project would have significant regional or national benefits (section 22(1)(a));
2. the things the Minister may consider in assessing this, including inter alia, whether the project will deliver significant economic benefits (section 22(2)(iv));
3. the reasons for declining approvals, which include adverse impacts (section 85(3)(a)) that are sufficiently significant to be out of proportion to the project's regional or national benefits (section 85(3)(b)).

Lack of cost benefit analysis

30. We suggest that the Taranaki VTM application is lacking robust cost benefit analysis, instead relying on an economic impact assessment (EIA) of the Proposed Project¹². This NZIER assessment uses a similar methodology to the Delmore Proposed Development using an Input-Output multipliers model to estimate direct and indirect impacts on economic activity, GDP and employment resulting from the Projects operation. NZIER was asked by the applicant to estimate the direct and flow-on economic impacts of the Project on:

- the local economy – South Taranaki and Whanganui;
- the regional economy – the Taranaki Region (South Taranaki, New Plymouth, and Stratford) and Whanganui; and
- the New Zealand economy.

31. We note the response of James Stewart, Technical Specialist – Economics, on the now withdrawn Delmore Residential Subdivision Project (Vineway Limited) which was a listed project under Schedule 2 of the FTAA. Mr Stewart was providing a response from the Auckland Council in light of their earlier recommendation to the Expert Panel that it exercise its discretion under section 67 in order to allow the Council adequate time to respond to outstanding material the applicant had provided¹³.

¹¹ <https://pce.parliament.nz/media/cdoodc0l/niwa-organic-carbon-stocks-and-potential-vulnerability-in-marine-sediments-around-aotearoa-new-zealand.pdf>

¹² [Attachment-2-NZIER-Economic-impact-assessment-of-TTRLs-Taranaki-VTM-project-report Analysis-with-updated-inputs_Mar-2025.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0026/7865/FTAA-2502-1015-Minute-9-Panel-Minute-exercise-of-inputs_Mar-2025.pdf)

¹³ https://www.fasttrack.govt.nz/_data/assets/pdf_file/0026/7865/FTAA-2502-1015-Minute-9-Panel-Minute-exercise-of-section-67-FTAA-14-July.pdf

32. The outstanding material included several information gaps that could potentially result in scarce societal resources being use inefficiently. A significant information gap existed in the applicant's use of an economic assessment based the contribution to GDP and employment¹⁴.
33. Mr Stewart commented that he had previously recommended a cost-benefit analysis from a societal perspective which would demonstrate the resource trade-offs arising from the Proposed Development¹⁵. The reasoning behind this recommendation was that –
- “significant regional or national benefits must be seen in the context of the costs borne by society that are likely to arise of the proposed infrastructure or development project because societal resources are limited.*
- Economic thinking and analysis are required to systematically weigh up the resource trade-offs arising from the Proposed Development and express the inherent uncertainty via sensitivity testing of any welfare impacts to underlying assumptions.”*
34. There are clear differences between the Delmore and Taranaki VTM projects. The criteria for considering fast-track applications relating to the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 is set out in clause six of Schedule 10 of the FTAA.
35. For the purposes of section 81, when considering an application for a marine consent, including conditions in accordance with clause seven, the panel must take into account, giving the greatest weight to paragraph (a), –
- a) The purpose of the FTAA Act 2024 which is to: (s 3) “facilitate the delivery of infrastructure and development projects with significant regional or national benefits”.
 - b) Sections 10 and 11 of the EEZ Act/ the purpose sections of the EEZ Act 2012;
 - c) Any relevant policy statements issued under the EEZ Act; and
 - d) Sections 59, 60, 61(1)(b) and (c) and (2) to (5), s62(1A) and (2), 63 and 64 to 67
36. For the purposes of subclause (1)(d), the panel must take into account that section 62(1A) of the EEZ Act would normally require an application to be declined but must not treat that provision as requiring the panel to decline the approval the panel is considering.
37. This will require the Expert Panel to apply two different Acts and then weigh the results of both to come to a final decision, giving greater weight to the FTAA.
38. We are concerned that key inputs and assumptions for the EIA were based on TTRL planned employment and expenditure for the Project's operational activities and capital expenditure involved in the Project's setup. These have formed the inputs for regional I-O multipliers analysis to estimate economic impacts.

¹⁴ [TD Delmore Economics Review](#)

¹⁵ https://www.fasttrack.govt.nz/_data/assets/pdf_file/0011/9110/A2-Economics-Memo-Response.pdf

39. Export earnings, royalties, and taxes have been estimated together under one heading in the EIA. These estimates are based on data and projections provided by TTRL. The Project will be dependent on commodity prices for iron ore and vanadium pentoxide (V_2O_5) estimating US\$90 per metric ton for iron ore and US\$5.45 per pound for V_2O_5 .
40. We note that vanadium is not a listed mineral which the Crown may extract royalties under the Crown Minerals Act 1991. It is highly likely TTRL will only pay royalties on the iron ore they extract. Further refinement of V_2O_5 will occur once the iron sands have reached their offshore destination where the higher value product will be extracted to benefit TTRL's parent Australian company – Manuka Resources.

Request for further information

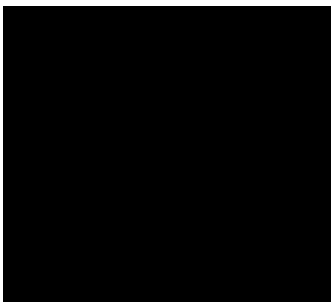
41. Given the concerns identified by Te Kāhui o Taranaki, we request the applicant provide the following information:
- a) updated plume modelling, notably in regard to the worst-case modelling and wave periods – noting a request was made for further modelling by the Decision Making Committee in 2023;
 - b) updated marine mammal evidence, including relevant marine mammal observations set out in the 2023 evidence of Dr Leigh Torres and Dr Slooten;
 - c) establish and provide a report on how much organic carbon will be released and remineralised into CO_2 by the action of disturbing marine sediment in the South Taranaki Bight;
 - d) updated economic evidence including cost benefit analysis on –
 - i. economic effects on other industries in the area;
 - ii. economic effects on industries excluded by the project; and
 - iii. economic effects of damage to the environment.

Summary

The substantive application for the VTM Taranaki Project contains evidence that is neither convincing nor germane – it is static. However, research and peer reviewed papers on the resident Blue Whale population and climate change generally has continued to build upon earlier work and provides useful reference to accompany the mātauranga and tikanga of Taranaki Iwi and hapū. Te Kāhui o Taranaki identifies that proposed activity has the potential to have adverse environmental impacts on our ability to collect reliable data to support the restoration of our taonga coastal species under our rāhui and successful Section 186A application.

The proposed activity also has the potential adverse effects on the lifecycle of the resident Blue Whale population by contributing to warmer sea temperatures and consequential impacts on the food source of the whales. We believe the applicant's economic impact assessment has deliberately overestimated the national benefits of the Project by conflating revenue generation with Crown royalties and corporate tax estimates.

Ngā manākitanga,



Acting Tumu Whakarito (CEO), Te Kāhui o Taranaki