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[Start of Recorded Material: 00:00]

NGATI RUANUI: …i tēnei wā, ka hoki ki te taki o te motu, ki te taki o te iwi, e pā ana tātou tapu Tāi Moana i tēnei wā. E hoki mai ki te kōrero a tātou tumu whakarae, Haemona, e pā ana ki te tātai whakapapa ki Tamaroa, ki a tātou taku mai, taku Tāi Moana hoki, mō ngā wahi tapu i roto i tērā moana. Engari he whakaro ki a tātou te iwi o tēnei wahi motumotu e taki tonu, taua tonu mō ā tātou Tai Moana i tēnei wā. No reira, he karakia tīmatanga mō tā tātou kaupapa: Whakataka te hau ki te uru, Whakataka te hau ki te tonga, Kia mākinakina ki uta, Kia mātaratara ki tai. E hī ake ana te atakura. He tio, he huka, he hau hū. Tīhei

TĀTOU: Mauri ora!

NGATI RUANUI: Ka tuku te mauri ki aku nui.

K TOOGOOD: Mōrena tātou. Welcome everybody. It's 10 minutes before we're due to begin, but let's get on with it. I can see that Te Kaahui o Rauru are keen to get on with their presentation, so let's hear from them. I understand that the first part of your presentation will be in te reo Māori. You've very helpfully provided us both with te reo Māori and English versions. You may not speak to all of the material that's in writing, but you are going to summarise what you've said and we're grateful to you for that. Would you like to begin?

T HAWIRA: Otirā, tēnā nō tātou te wā. Tāne Raurau, anā, kua tae mai tō tumanao. Tūranga iwi ki runga o te kaupapa o te rāngi. Tā uriuri kau ana te tai o te tangata, kei whea rā te ao tua mai o te kōrero. Kei te rangi ihitia, kei te rangi apaenga, kei te wā-a-ātai. Kei a Ranginui e tū nei, kei a Papa e takoto ake nei. Ko tupua kawa, ko tapito kawa, ko te mātohi o te rangi. Tēnei hoki rā te taketake e rongo mā rua whakatumanawa, whakaeketia ki runga i te moana o Tangaroa. Te moana waiwai, te moana tua tua, te moana oru. Oruoru kua tupuna, e kawa ora. He kawa nā Tangaroa, he kawa ora, he kawa ora. E rongo! E whakairihia! Turuturu o whiti, whakamaua kia tina.

TĀTOU: Tīna!



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T HAWIRA: Haumi e! Hui e!

TĀTOU: Tāiki e!

T HAWIRA: Pēnei nei te tīmatanga o taku nei kōrero i roto i te kītahitanga o rau. Ka tīmatahia i runga i te ruruku matua. Ka whakamāramatia ake ki a koutou te ārunga o ngā rauru ki tōna ao. He arai te kītahitanga o ngā rauru mō ngā rauru iwi anake. Engari, i runga i tōna rau kōtahi, ka tīmatahia mai Parinini ki raro, Taipake ki runga, mai Taipake ki te pūaha o te awa o Ngaru, ka uru tōmua mai, mai te Kāhui Maunga ki tai, koia koia. Te rau kōtahi te Maruroa o Maruatu.

He tika ana, ka mihi atu ki te kāhui kauika, kua paea ki te ākau. Ko ia tā rauti taku o Tongariro maunga, ko tā tumu te auau. He tai, he tai waho nō Rehua, he tai mihi ngā aroha, he tai mihi ngā ariki. No reira hoki atu koutou ki te pō, nau mai te ao.

Tēnei au e mihi atu ki a koutou te kōmihana o te Tari Tiaki Taiao. Ka mihi atu ki a koutou i runga i te whakatauākī kōrero, ki tā tō pene te mamaku e kawe. He kokonga whare ka taea te raparapa. He kokonga ngākau e kore e taea. Nō reira, i runga i te ahua o rangirua o tēnei, e kore i roto i te hāwhe haora noa iho. Ka mārama ake nei, he ngākau pono, he ngākau pai, e noho ana ki o koko o he pakoko noa iho mō tēnā e kī ana o te ngārara kai wheuna.

I ahū mai aua kōrero mai tēnā te Taurapiri Poropiti, o ia tēnā te Poropiti Matau. Ko Apara Hawatainui o te Taitokorau. Nāna ngā kupu whakaari nei. Ko te ara mai, he ngāra, ko ōna niho he kōura, ko tōna kai he whenua. Nō reira, tēnei te tū o ngārau, i runga anō kua okimai te ngārarau. Ko ōna niho he kōura, ko tōna kai he onepū pango. Ko te ngako o te kōrero ki tā Rauru e kawe. He tai ao, he tai ora. He tai erueru, he tai pō. Ka ngaro te kai, ka ngaro te tangata. Nei ka a ea a eatia nei koutou. Kia hoki mai ai ki te ngārara kaipu.

Ka tutu te puehu, te marangai o te puehu ki rō moana. Ka tutu anō hoki te marangai o te puehu ki runga i ngā marae maha, mai Paranihinihi te rūpa, kei raro, Taipakū ki runga, tai atu ki te pūaha o mariki. Koa mako, koa kamanaia e te Karauna. Te Rūruku Matua o Tupua Te Kawa.



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Inā te ture o Te Awa Tipua. Inā te ture o Taranaki Maunga. Nō reira, nei rā te akiaki i a koutou. Ōrite ana anā ngā kawa o tupua o te kawa, kei runga maunga, kei rō awa, me rite anō hoki o te taki tai moana. Ngā rahuitia, ka kaupareake, te ngārara kai whenua.

Nō reira, tuia i runga, tuia i raro, tuia i roto, tuia i waho. Tuia ngā moko o te Taurawiri-ariki, tuia ngā moko o te Taurawiri-poropiti. Hina te kupu i ara ake mai rā i te Parihakatanga o tātou mātua tūpuna. Tā te rino i tukituki ai, o te rino anō e anga, kia whai oranga ai o ōku mokopuna, mō ōu mokopuna, i te rangi kei mō i te ārā.

Nō reira kātia, kārei toroa tēnei mea tahiro te kupu kōrero. Nō reira, e mihi atu ki a koutou i ngā tāringa are. Tēnei te reo o Ngā Rauru e tū āki ai. Ko te tūmanako, kia toitū ai te mana whakāu o Tangaroa. Kaua e waka e āheitia. E ngārara kaiwhenua e kai.

Nō reira, tēnā koutou. Tēnā koutou, huri noa. Tēnā tātou katoa. E kore au e ngaro he kākano iwi o ngā rangi ātea. E nei ngā kōrero ā o tātou mātua tūpuna e inā nei. Wākina, wākina, wākina!

WAIATA ĀRAHI: Kī mai.

TĀTOU: Kī mai nei ngā tua o te pō. Ka tū i karaparapa kawira.

WAIATA ĀRAHI: Katoa.

TĀTOU: Katoa te mahuru ki okioki e. Toia te waka.

WAIATA ĀRAHI: Haere.

TĀTOU: Haere, haere i te wīwī. Haere, haere i te wāwā. Haere, i te mārū nui o Whiti.

WAIATA ĀRAHI: Haere.

TĀTOU: Haere, i te mārū o tonga Pōrimotaro.

WAIATA ĀRAHI: Wekere,

TĀTOU: Wekere, wekere ai mau hei te tī eke, hei te tī eke, hei tī eke, matararawa.



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WAIATA ĀRAHI: Ka rere.

TĀTOU: Ka rere kei runga, kei te rangi, kei te papa, i waka kino, i waka taumaha, i waka pū honu, i waka māmā, hikitia kei runga.

WAIATA ĀRAHI: He kapua.

TĀTOU: He kapua kōanga tua wahine i tona waka hei manino waka.

WAIATA ĀRAHI: I tere.

TĀTOU: I tere waka, i te re ki whea, i tere ki tau, i tere ki uta, i tere I te Tupuranga, i tupumai ai e ai.

T HAWIRA: Turuturu ō-whiti, whakamaua, kia tina.

TĀTOU: Tina.

T HAWIRA: Haumi ē, hui ē.

TĀTOU: Tāiki ē!

K TOOGOOD: Kia ora koutou. Ka mihi nui ki a koutou.

T HINA: Tēnā koutou. Ka tū ake iti nei he tangata noa iho. Heoi anō he mau ana te potae, ko a te tumu whakarae o te kauhi orahi. Just while my brother's getting our PowerPoint slides up, I'll carry on. For us today, certainly my part, I just want to cover off some things around Te Kaahui O Rauru, Ngā Rauru Kītahitanga components of Te Tiriti, our existing relationships and interests that lie here in that space. Certainly, I'll cover off some statements for us and then I'll look to the rest of us here on the table to pick up some other things and hopefully we can talk about some process, tikanga, next steps and where we go to from here. I'll continue on while our IT gets going.

Firstly, the first statement that I would like to make is that Te Kaahui O Rauru Ngā Rauru Kītahi, we oppose this Application. I want be very clear about that. Why do I oppose this Application? Simply because the work just has not been done in terms of this Application. It's not in a ready state. There's gaps in the information certainly from what we've seen. There's no relationship within this region. Only I've heard



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opposition. And I say the relationship specifically for us just does not exist. There has been no engagement, meaningful engagement, for that to happen to even have a conversation about this Application.

Where's the partnership here? As an iwi, as a PSGE that has mana, that has rights within this rohe alongside our other relations of Taranaki and even South tua ngā nui and beyond, we're here to have partnerships. We've been really clear about that in our Treaty claim and what we want for ourselves. And equally, we have tight bonds with our neighbouring iwi. Our tatou whakapapa is really tight. There might be delineations through lines and settlement, but they are for the purposes of the Crown to delineate between that and them.

In our view, there is no them and us. Our iwi, our tatou whakapapa is innate. It is deep, and it goes for many, many, many generations. We have a natural synergy, and despite what our process and court proceedings people might see front and centre, the conversations that we have go late into the night. They exist 24/7. We do not falter. We may debate and deliberate on our points of view, but our synergy is unwavering and natural.

This Application is in direct conflict with our identity as Ngā Rauru Kītahi. That hurts because I don't just look at those that are standing here today. I think about our tamariki and our mokopuna [crying]. Secondly, it flows on to our Treaty settlement and the expectations that we've had in the direct discussions/negotiations to get to where we've got to.

We do not just have one settlement. We have multiple. We have our fishery settlement. We have our Ngā Rauru Kītahi Settlement Act. Equally, we have a connection with Te Awa Tupua e Taranaki Maunga. Like my relations, they have many settlements too. They have many mechanisms that affirm our right of who we are and our identity, and this Application directly cuts down who we are as a people, so I do not just cry for myself or my own tamariki and my own mokopuna. I cry for the mokopuna of all of our tamariki of Taranaki Maunga, of the awa mai te Kāhui Maunga ki Tangaroa.



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You ask some provocative questions in minute nine that come through. There's our connect. Ki uta, ki tai. It's not just legislation, it's our tatai whakapapa, our genealogy.

To be honest, I've been a little bit confused by the process and reading some of the language between hui and conference. I thought they were different things. Hindsight's a wonderful thing. We've got observations from yesterday and we were trying to unpack what that looked like. We thought they were two different things. Our understanding of hui is probably very different to how you articulated that in your minutes, so I encourage you to use your own language. Don't try and translate our language cos that might get us in a space that we're left trying to interpret what you're doing. Leave that to us.

The other thing that I'm concerned about is the protection of our IP, our kōrero, our kōrero tuku iho, and where that may be exploited. There's a reason why we are kaiponu and hold onto that. We are responsible for looking after that. We are the protectors of that kōrero, and processes like this expose us to exploitation, so I encourage you to think about what this process might look like, to protect us. For generations, we have held onto that kōrero to protect it for us. That's our kōrero; however, legislative processes are exposing us and diminishing our identity and how we protect our kōrero, our mātauranga.

I suspect you're going to have some expert conferences. There's some economic stuff. I'm not a numbers person. I'll be straight up; however, Turama was talking about 30 minutes is a short time to think you can unpack tikanga and our kōrero. So, I implore you to come on a site visit and see our kōrero. Come and see it. Kōrero is just words, the ability to connect that is really important for you, I believe, in your job and your role that you're trying to do.

I know there's been some discussions in the background around what site visits might look like, and I encourage you to think about what understanding and unpacking so that you have a fulsome understanding with us in terms of iwi, hapu, our people, our uri, so that you can understand what that means and what the implications are.



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We have many examples, far too many to share in a 30 minute window, so I encourage you to think about a site visit with us and we can show you what tikanga looks like.

What I don't want to see is that this is a process that then backfills an application. To us, that takahis on our mana, and the exploitation of our kōrero, so I implore you to think about the protection of our mātauranga, of our kōrero, of our tatou whakapapa.

If I can cycle back in terms of Ngā Raurutanga when I think about the accountability and the responsibility. Each iwi has delineated lines of their rohe moana according to legislation. Our accountability sits with all of these different representatives from the iwi that are here - equally those that are not. I talked about ki uta, ki tai, mai te Kāhui Maunga. We/I have a responsibility to our tatou whakapapa, to our genealogical ties from the mountains to the sea. Our whanaunga that reside on the side of the mountain, that's our mountain too. That is their role and it's their job to look after the mountain. Equally those for our river people, it is their job to look after those awa. Our job as coastal lying iwi is to look after the coast. We are not accountable in a legislative format but we are still accountable to each other, and by crickey, we will be hung and quartered by our people from those neighbouring iwi. Mai te Kāhui Maunga ki Tangaroa. That responsibility lies on us and we regularly provide them support, but equally we provide them the mandate to push forward because each of us have a domain to look after.

In terms of us at Ngā Rauru Kītahi, for us between the Pātea River and Whanganui, our people, Taranaki Whanganui hold us responsible for our portion. That's our bit. Equally, we have some shared spaces. We know where those are. We hold each other accountable. We do not need legislation to hold each of us accountable for those shared spaces. That is something that has happened mai rā anō, forever, that our people hold us accountable for our time, for our place, for our space.

I guess that links us back to mātāpono, those value sets, and you would've seen that in the statements provided from us. Our whakapapa, tiakitanga, mātauranga, wairuatanga, whangatanga,



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mana, me te manawhenua, manaakitanga – those are but some of the things that our people hold us account to, and the value set and the lens that we're able to look through and talk with when we get to … we don't just have meeting, he wananga. The outcome isn't defined between a half hour slot or a Monday nine to five. They are generational kōrero that continue and make relevance to the context of today. Today, that context is pretty damning for us.

Those things that are presented are not new. They're open in open sourced documents, one to the Crown with our own relationships. Equally, we have similar with our tatau pounamu with our iwi, neighbouring iwi and the spaces that we share. It's not a new concept to think about what a relationship is. We've been doing that forever.

Everything we do cannot be looked at in isolation. If I took one of those or mātāpono, one of those values, I cannot look at that in isolation. I have to look at a big package. All of those have a symbiotic relationship with every component, and that's something that we have to consider and we have been doing since the beginning of time.

I just want to reaffirm that this Application is set to destroy our identity as Ngā Rauru Kītahi. Just listen to that. This Application is set to destroy our identity as Ngā Rauru Kītahi, our ability to practise who we are. Some people might think it's an application, it's more than an application for seabed mining.

We started the conversation, you know the provocative questions that you put in here, in your minute? Without prejudice to any opposition to the gathering of the Application and only on the basis that the panel may contemplate granting the approval sought, please describe the kaitiaki role you would envisage and how information could be gathered to share and support that role. The conversation we have started from the provocative question you ask is if it was to happen, the conversation has started around putting a rāhui out there because of the imbalance that it creates through our lens, those value sets. What that would mean is our people would no longer be able to have customary take and utilisation of the assets and the resource out there.



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The imbalance created by this mahi is set to wipe out our identity. That is the conversation that we have had to start.

Some people might look at it, they're just taking some stuff, you'll be all right, but you know what? That's our responsibility for that bit. Once we lose our ability to take customary take and utilise our identity, our tikanga, our kawa, our practises at Ngā Rauru Kītahi, you take away the culture, you take away the people - colonisation 101. Oppression of people, take away their identity, take away their reo, what are they left with? For an application that goes for a long time, it's heading to kill off a generation.

We've had many generations oppressed through Te Tiriti o Waitangi in the early 1800s. I won't school you up on Te Tiriti. All of that has had damning effects on nga Māori. We are one of them as Ngā Rauru Kītahi. This specifically cuts to the heart of Ngā Rauru. You allow this to happen, we have to find balance, and the disruption that is caused by the Application, if that mahi was to go ahead, is seriously to consider a rāhui and our responsibility as kaitiaki.

That's really hard hitting. These are conversations that I've had with my kids to explain what does that mean. Not only will I have to explain this to my own children, I have to explain it to all of our children. By virtue, I've been a tumu whakarae for te kāhui o Rauru. I am responsible to share that burden on all of our tamariki and mokopuna. I will not sit down and stay quiet about this. This hurts and it cuts deep. Koinā taku.

Anything else?

TE KAAHUI O RAURU TRUST: We have a PowerPoint. Obviously, the kōrero has being laid out by Turama and Tahinganui. Just to sum up, I guess from our perspective … oh.

K TOOGOOD: We'll just get the microphone so we can hear you.

TE KAAHUI O RAURU TRUST: I thought I had projection.

[no dialogue/off topic chat about microphone 31:30 – 32:38]

K TOOGOOD: We may need to a break for 5 or 10 minutes. We won't chew up your time. We'll extend it to cover this, but it's important that we hear and



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everyone hears what you have to say, and as you know we are also recording this, so if you don't mind we'll just wait until we get the technology right.

TE KAAHUI O RAURU TRUST: Ka pai. I mean, we'll come back, I'll sum up and then we'll have pātai. All right, so I'll just summarise.

[no dialogue/background chat 33:15 – 39:20]

TE KAAHUI O RAURU TRUST: Kia ora. Ka pai, so I think I'll just sum up with a few comments. You've got a PowerPoint for today, and I guess just to focus on process going forward, which I think was one of the key outcomes from this conference that we were looking for.

Briefly, I think we endorse the comments made by Justine yesterday from Ngāti Ruanui in terms of the legal elements at bay. You've heard very clearly this morning from Tahinganui and Turama, and from Ngā Rauru's perspective, the Application must be declined. It's not a suitable one for the fast track process, and you'll be grappling with that over the course of the coming weeks.

In terms of the purpose of the FGAA, we say and the experts seem to be saying that the claimed economic and other benefits claimed are overstated and uncertain from our perspective. From the Ngā Rauru perspective, the modelling, the economic evidence does not taken into account Ngā Raurutanga and the impacts on Ngā Raurutanga, but also the Ngā Rauru view of the world which is covered off in certainly what Tahinganui and Turama have covered today, but also in the statements that have been filed with you, of which there were four.

Actually, also there's an inconsistency between this Application and existing Treaty settlements and arrangements that we say is fundamental. In particular, as you heard this morning, we're not just talking about one Treaty settlement for Ngā Rauru and for this rohe. There are Treaty of Waitangi fisheries matters which Tamakaimoana will be covering off this morning once we finish in much detail. We obviously work closely with them on all of that because they are the kaitiaki of the fishery settlement alongside iwi. We fully endorsed the work that they've done in support of their comments on the Application.

But also as Tahinganui mentioned, we've got the Deed of Settlement between Ngā Rauru Kītahi and the Crown. It's signed in 2003, culminated in the Claim Settlement Act in 2005. There is a coastal statutory acknowledgement in the settlement. I won't take you through it. Hopefully, there's an opportunity to come back and provide further kōrero on that both directly with Ngā Rauru, but through what we anticipate will be necessary, which is a hearing of some sort on some of the outstanding issues that are in contention. In addition, the other settlements that Tahinganui mentioned as well as the MACA application.

So, really for today, we've come here to share that kōrero and to offer some thoughts as you heard from Tahinganui about process, tikanga and next steps, which is what we understood the panel was looking to discuss in this three day period with the various parties. Obviously, in reference to the minute that was received last week, you heard the tono, the invitation, that we think that the best way to deal with some of that information, as Tahinganui said, is in person at place where you can put what the words that are being shared with you are on the page into context. Obviously, that would involve all parties so that there's fair opportunity for everyone to hear and understand what's being said.

That's our suggestion about a way forward in terms of the tikanga relevance. Obviously, we received a memorandum that was filed jointly by a number of parties on Monday, and I'll leave Ruby to cover that off this afternoon, but certainly we envisage that there will be some expert conferencing required. I think the Applicants have also flagged that in their response to the comments that were made. From our perspective, tikanga has its own area of expertise and I think everyone agrees that that's the case. The way that we propose that that be dealt with is to come to people at place, the experts to have that kōrero, and for that understanding to be able to be shared with you in a way that you're going to be able to use for the purposes of your decision.

That's proposal on process going forward. Just one note on the economics before I hand over for pātai. We did file directly with the other iwi, the economic expert evidence of Dr Ganesh Nana. He is available if the panel does propose to convene a conference or caucus



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of those economic experts. He is available for that. He does have some overseas commitments with family from 7 November to 12 December, so if that were to happen, our proposal would be that that happens sooner rather than later or we can make alternative arrangements for his participation. We just wanted to flag that he is available for some sort of process in that regard.

Those are the other additional process points to mop up and we certainly are open for pātai. Kia ora koutou.

K TOOGOOD: Kia ora. Does anyone else wish to speak for you? Ka pai. I'm going to ask the members of the panel if they have any questions in a moment, but I just want to respond to Tahinganui's point about the kōrero and protection of your kōrero. To put that in Pākehā terms and put it in terms of our obligations, am I right in thinking that there are some things that are important to you that you have some reluctance about sharing in this context? Did I understand that correctly or have I misunderstood your position?

T HINA: Probably you won't know until the questions start flying and which rabbit hole we end up down to unpack. I'm just flagging a concern that we're in a position where we've got our place to make our stance, but equally if we don't give that kōrero, actually that could be detrimental to us, and then it's now in the big wide world. Some of our own whānau don't even have … not everyone has all of the kōrero. Now we're having to share it to the world, so some kōrero we might give to you and some of our own people don't know that yet. Please take this in a … who are you to have that kōrero before our own people? I mean that in a nice way.

K TOOGOOD: I understand that. I do understand that, but you will understand that I detected in what you've just said, that the process that Parliament has set up for us requires us to act fairly to apply principles of natural justice to everybody so that there is complete transparency in our process. That means that we cannot receive any information that is not shared at least with the Applicant. Anything you tell us must go to the Applicant for its consideration. You have to make your own decisions about what information you are able or willing to share with us.



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The tikanga is very important to us. Apart from anything else, there is a history of tikanga not being respected properly in the processes which this Application has been through in other iterations, so we are very conscious of the importance of tikanga, but we're also very conscious of our statutory obligations. That means, as I say, that we will issue a request for information. There will be more questions that will come out, and there may well be expert kōrero and discussions, but everything that is shared in that way must be shared with everybody. You will have to make those difficult decisions about how much information you give us because unless you give us the information, it can't assist us.

T HAWIRA: That's the exact conundrum I was highlighting.

K TOOGOOD: Yes. Kia ora. Natalie?

N HAMPSON: No.

K TOOGOOD: Nothing? Gavin?

G KEMBLE: No.

K TOOGOOD: Hilker?

H GILES: Actually, give me a mic.

K TOOGOOD: Yeah, I've got it.

H GILES: Thank you. Tēnā koutou. I just wanted to say thank you for coming today and presenting to us. We are listening. Please understand that we are listening. We acknowledge the kōrero, the whakaaro that brings you here today, and brings all iwi here. We acknowledge that.

I don't actually have too much of a question, which is unusual for me. It's more of a clarification, and it's a technical point so please take it as a technical point in the way I articulate it. I probably won't articulate it very well, but I'll give it go. One of the things I picked up on and I'll have the conversation with the Te Ohu Kaimoana when they come before us. It was very much around the inability of iwi to move. We can't move our fisheries, we can't move out our rohe, and I wanted to just ask …



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again it's from a tikanga perspective and noting Kit's comments please, premise what you like. I don't really care if it means that you need to put it in writing, so be it, but I'd just like to understand that if there was an activity that affected or disturbed one of your reef systems where there are pātaka, for example, would it be your understanding, based on comments and events which picked up on the tokehu point about in situ, that it's not as simple as moving somewhere else or moving into another rohe from a tikanga perspective? I'm probably not putting this as well as I should, but you just can't move is what I'm asking?

T HAWIRA: No, we can't move, although in times of war, our people shouted us when we ran to the hills. When the cavalry arrived literally and slaughtered our people on many occasions, we ran to the hills and hid, but we were nomadic and we moved back because that is our place. To lose what you have continues to diminish the mana of Ngā Rauru Kītahi.

It is tough sitting here today to talk about the possibility of losing your mana as an iwi. That is really difficult. No more difficult to our Ruanui relations that were up yesterday. Ngāruahine. I understand Liana 's coming up for our maunga [? 52:48], but certainly for us, directly it will impact on our mana and our ability to people, to uphold our tikanga and our practises. When you can no longer do that for your own people, let alone visitors that come to your rohe, you become a talking point, a shameful talking point. When you go to hui and people always talk about how good that kai was, the reality is we will not be able to provide that kai. Who are we if we cannot manaaki people? Where is our mana? Ko ngaro.

H GILES: Ae, thank you, and I hate to bring it back to money, but to put it on the other side, which is noting your evidence around operating as a mea [? 53:59] and also as commercial fishing. From an economic point of view, if effects were impacting fisheries and you take the point you can't sell your quota to outside of the Māori group. I think as tohu puts it? Is it similar in that your fisheries, your commercial fisheries operate within your rohe?



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T HAWIRA: Oh, the commercial region is a bigger piece. We're just apportioned within that region, and we have access to that region in a commercial sense, but our customary ability is limited to within our rohe.

H GILES: Yeah, so just to clarify my understanding in terms of your comments, it would still affect your commercial operations?

T HAWIRA: Yeah, absolutely it will. As I said earlier, the lack of information and understanding of what's in there, some of the technical reports. I'm not a technical geek, we find specialists to help us. We talk about plume modelling. Seabirds, marine life, all of that stuff is impacted. I guess we still look through our own lens too with our commercial eyes through tikanga kawa, those principles. We hold true in every facet of what we do, so those are conversations that we'll have with our commercial board around what that impact might be. We're still trying to understand that too, but absolutely I think there's an impact there.

H GILES: So finally, you would see, based on your evidence, that it would have an economic impact on your people. Those are my questions.

K TOOGOOD: Ka pai. Thank you very much. This presentation is a very good example of why it was so important for us to come here. We listened to what you say about meeting you on your land in amongst people. We will have to consider that along with all of the other procedural things we have to do. I'm not wanting to underplay at all the importance of tikanga, but one of the things that is not consistent with tikanga is that we are severely time limited. There is an enormous amount of work for us to do in absorbing all the information that we're very grateful to have received from all of the commenters and from the Applicant. There's a huge amount of work but we have a finite cutoff date that we cannot change no matter how much we might like to. We have to make the very best use of the time that is available, and because there are so many difficult questions we have to ask and answer, we need to leave plenty time for the members of the panel to have their own hui and their own kōrero and make decisions about these matters.

So, we hear what you say about coming back here and we will think about that. If we don't come, and I'm not saying that decision has been made, we haven't even talked about it, but if we don't come it will not



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be because we don't care. It will be because we have tried to find the best ways possible to get the best available information to inform our decisions, but thank you very much. Ka mihi nui.

[no dialogue/background chat 58:10 – 59:50].

K TOOGOOD: Our next presentation is from Te Ohu Kaimoana Trustee Limited, Kylie and Horiana, and they are presenting to us online.

[no dialogue/background chat 59:55 – 1:00:25].

ELLIOTT: Can you see that okay or do you want me to bring it closer?

K TOOGOOD: It should be fine. Can you see that? Can you make the screen slightly … what is the other bit at the top, Elliott? It'll just help us to try to identify who's speaking if we can see them just a little better.

[no dialogue/background chat 1:1:15 – 1:1:35].

K TOOGOOD: If you can't, don't worry about it. All right, that's the best we can do.

ELLIOTT: You should be all good to go now.

K TOOGOOD: Okay, haere mai. Can you hear us?

H IRWIN-EASTHOPE: I can. It's not always clear but I think, yes, I can hear you at this stage.

K TOOGOOD: All right. We'll use the microphone if that's more helpful to you.

H IRWIN-EASTHOPE: I can hear you clearly now so I think we'll be okay.

K TOOGOOD: Good. Thank you.

H IRWIN-EASTHOPE: I'm happy to proceed.

K TOOGOOD: We're keen to hear what you have to say.

H IRWIN-EASTHOPE: Excellent. Thank you sir and and otirā, e rau rangatira mā, tēnā koutou. Anei māua ko Horiana Easthope tēnei māua miss Kylie Grigg o Te Ohu Kaimoana. Good morning members of the panel, e te whanau kei Taranaki whananui. My name is Horiana Irwin-Easthope, and I am here alongside Ms Grigg, the Oceans Manager for Te Ohu Kaimoana Trustee Limited.



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Can I just confirm that the panel has before you Te Ohu Kaimoana's written comments? I won't be traversing that entire document, but I will be taking the panel to particular points, so I just want to make sure you've got that in front of you.

K TOOGOOD: We have.

H IRWIN-EASTHOPE: Excellent. We are conscious of the panel's minute nine in terms of our oral presentation. We really do want to ensure that the panel is clear on what Te Ohu says the impact of TTR's application is on the Māori fishery settlement and why for the purposes of the Fast Track Approvals Act, we say those effects lead to inconsistencies with the settlement that are a decline under Section 85 of that Act.

We are conscious that members of the panel will be well-versed with the Māori fishery settlement; however, for completeness and by way of brief background, the fishery settlement was agreed through the signing of the deed in 1992 followed by the Act of that same year, and the Māori Fisheries Act in 2004. To this day, settlement is a foundation expression of the Crown's obligations under Te Tiriti o Waitangi in relation to Māori fishing rights.

One matter that isn't covered in our written comments but is a relatively recent decision of the High Court, Justice Bolt, Te Ohu Kaimoana and the Attorney General, the reference for the panel is 2025NZHC657.

K TOOGOOD: Thank you.

H IRWIN-EASTHOPE: Now that decision, your Honour may have been taken to it, but was in a different context about 2018 rights, which is a complicated matter in and of itself and the panel already has a range of complicated matters before it, but why I wanted to highlight that judgment is because, if I am able to say, it does provide a very crisp summary of the settlement. It also speaks to the integrity of it and the importance of the Crown's continuing obligations to uphold that settlement.

I just wanted to highlight paragraph 10 of that judgment where Justice Bolt, with the benefit of more than 30 years' hindsight, he said that the settlement has been a conspicuous success. It was a landmark in the



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relationship between Māori and the Crown. 10 pieces of complex litigation that commenced in 1987 and 1988 were immediately discontinued. Māori have, over the last 32 years, gained a substantial stake in New Zealand's fisheries through a combination of settlement quota, the Sealord stake and judicious investment in other large fishing companies. Māori are now a significant force in New Zealand's commercial fisheries.

Of course, Te Ohu Kaimoana was established to protect and enhance the Māori fishery settlement, so that is why Te Ohu Kaimoana is before the panel this morning.

There are about five key points that I wanted to highlight orally. The first is in our written submission at paragraph 27, which is the point about insufficient consultation. Now I anticipate the panel has probably heard extensive submissions on that point. I don't intend to labour it, but what I will say for Te Ohu is that sufficient consultation then leads to an immediate impact on the understanding that TTR has in relation to impacts on the fishery settlement, and therefore the quality of information that is able to be provided to the panel by TTR about those impacts.

It's not simply a procedural complaint about consultation, which of course is a valid complaint. It leads to substantive impacts as to what we say the effects on the settlement are and the lack of available information effectively for TTR to assess those impacts.

So, just by way of a brief example of what that manifests as, there are five gazetted rohe moana in the South Taranaki Bight. Those were created under Part 9 of the Fisheries Act. Each of those rohe moana has its own appointed tangata kaitiaki, who hold legal authority to manage customary non-commercial fisheries on behalf of the iwi. We say due to the lack of proper engagement, the assessment of impacts more than the development of measures to mitigate risks to those customary non-commercial fisheries have been accounted for, and certainly have not been able to be provided for in any consent conditions that this [inaudible 1:7:39] has seen and engaged in.



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The second critical point is the lack of data and impact of that, so similar to the consultation piece, this isn't simply a procedural complaint. It goes to the heart of what we say are the substantive issues with the Application. At TTR's own commission, there were reports in 2015, and then the subsequent report in 2024 confirmed that there's ever been a systematic or comprehensive assessment of customary fisheries in the region. The 2024 report in particular relies on Fisheries New Zealand data, which does not accurately capture customary harvesting. Customary fishing, under the Fisheries Amateur Fishing Regulations 2013, is not required to be reported, and any information provided by the kaitiaki is voluntary, making these data sets incomplete and inconsistent.

Importantly, customary fishing data is held and safeguarded by those kaitiaki who maintain sovereignty over how it is shared and used. We say this creates a further risk in terms of not being able to properly assess the impacts on those customary non-commercial fishing interests and that also is a result of the lack of consultation. If you have proper engagement to ensure that that data set is understood properly by engaging with those kaitiaki, then there may be less of a risk; however, we say that hasn't happened here, and equally then that leads to what we say is an overreliance on data that is actually incomplete.

Now that is, we say, one of the critical issues for the settlement because those customary fishing interests are critical to the hapu and iwi and the whānau on the ground in Taranaki, some of whom you've heard from this morning.

The third point is related, adverse effects on pātaka. Pātaka are a contemporary expression of how we exercise our customer fishing rights in a modern day context. Today, they operate through formal partnerships between iwi or hapu and commercial fishing operators and a licensed fish receiver with approvals needed from MPI. The effects, we say, aren't properly accounted for. There are two active pātaka at least that Te Ohu are aware of in the region. They hold customary species, such as snapper, terakihi, kingfish, warehou, rig,



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crayfish, and supply those species to approximately 50 tangihanga and hui throughout each year.

Those species are determined by again the tangata kaitiaki and the target species of the commercial fishing operator harvesting on behalf of the iwi. There's an interaction there with the strictly commercial components of the settlement and the customary parts of the settlement. Depending on the time of the year, the location of the vessels, species being harvested, the range of the species and the pātaka can change. Any activity that impacts fish stocks or restricts access to customary species directly impacts the exercise of those customary non-commercial fishing rights and interests.

The next point is more related to … so we've been highlighting in those three points that we've addressed, the impacts on what we would say are the customary non-commercial fishing rights. Now, of course, the way that Te Ohu explains the fishery settlement is of course all of these rights are customary, whether they're commercial or not from a legislative standpoint, but we're just going to move into some potential impacts on what is more commonly seen as the commercial components of the settlement. This is at paragraph 50 of the submission and this is the potential impacts to the quota itself, so the settlement quota.

The South Taranaki Bight lies within FMA8, so 95 fish stocks, and we have a settlement quota within the 57 mandated iwi organisations. That is a point that Te Ohu wishes to emphasise, that whilst you've heard from the iwi within the rohe, when it comes to the commercial components of the settlement, those are spread and the impacts are spread across all 57 mandated iwi organisations.

The second point to highlight is that that settlement quota cannot be sold or transferred outside the Māori pool. The intention of this obviously was to safeguard the settlement quota for future generations, but because of the structure, if the value of the quota declines due to seabed mining or environmental degradation as examples, iwi can't sell or offset those losses in the open market. Effectively it locks in iwi to that settlement quote. Now, of course, there are very good reasons for



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that but it also then leads to when there are these significant effects, that Te Ohu is saying there are in the context of this Application, those have flow on impacts for potentially the settlement quota, which [inaudible 1:12:59] to through the settlement.

The next and final point that I wanted to highlight before opening up for questions is the potential effects on the aquaculture settlement. We've been heavily focused in both this presentation but also the written submission on the Māori fishery settlement. Now, of course, there's the aquaculture settlement as well, so this is covered in paragraph 66 of Te Ohu's submission, where TTR has proposed sheltering project related vessels in Admiralty Bay, stating minimal direct impacts on the aquaculture, including the Māori aquaculture interests.

Now the Crown's new aquaculture space operations are settled on a regional basis, so following this, all Marlborough iwi aquaculture organisations may be impacted if vessels in that bay have any impact on aquaculture. There are six iwi with fishery and coastline interests in that bay – Ngāti Koata, Ngāti Kuia, Ngāti Rarua, Ngāti Toa, Rangitāne and Te Ātiawa ki Te Waka-a-Māui. So New Zealand King Salmon's Blue Endeavour project has [inaudible/background noise 1:14:09] a new settlement obligation which is currently being negotiated with those iwi aquaculture organisations. If those iwi aquaculture organisations choose to take a space based settlement rather than a cash based settlement or if there is any space component within that settlement, then there may be potential or further potential aquaculture impacts that were present when Ngāti Koata was first consulted, and TTR references that part in their Application.

The point here is to say that there are consequential impacts that come from this at the moment that aren't presently well known, but also are more than what has been expressed by TTR because of these new space obligations that are continuing to arise. Certainly this one is an example of one that has arisen very recently and certainly is now making an impact on the aquaculture interests to date.

Those were the key points that I wanted to highlight in the oral presentation. Now Ms Grigg is online to answer any technical



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questions that the panel may have, but equally open to any questions that the panel may want to put to either of us. So, really appreciate being able to call in as well. I should have said that at the outset and appreciate those listening in the room. So, just over to the panel. Tēnā koutou.

K TOOGOOD: Kia ora, Horiana. My question is related really to the map that you have at Appendix 2 of your presentation relating to the commercial fisheries. It's clear I think from the legend there what you are depicting. Is there any similar map for non-commercial customary fishing and the locations that you mentioned earlier of certain species that were taken for customary use such as for tangihanga and so on?

K GRIGG: Kia ora koutou. Ko Kylie tōku ingoa. Thank you for your question. Under the amateur regs and the kaimoana regs, there's specific requirements around reporting. It doesn't go down to that level of detail within the reporting of customary non-commercial catch in terms of species. That's publicly available. Again, we would then circle you back to talking to those iwi for them to disclose that information should they have that on electronic file. Some of that is through paper records still; however, there is a map on NAVIS, which is our online tool where it displays where all the rohe moana are that is within the Taranaki area, in particular for TTR where that application is. In particular, it will show too then where those rohe moana are in relation to the plume, the sedimentation plume as well, which were ongoing concerns around the impacts on paua beds and fisheries on coral, that inshore coastline, where that sedimentation would obviously come into contact with.

K TOOGOOD: Right. The point of my question is this really, and it's a point that applies generally across the Application and all of the comments that have been made, is that this consent area begins 22km out from the coast, and while we can understand in general terms the impact of a sediment plume might have on fish stock generally, it's important for us to try and understand how the activity that is proposed will impact on the interest of particular commenters whose interests might be confined to the coastline and the inshore fishery. It's important for us to try and put that into some perspective.



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We understand that iwi will protect jealously the location of some of their fisheries and not be willing to share that properly. We do understand that but we need to understand also as a panel what impacts there may be from mining activity which is taken, if I use a general expression, well out to sea on coastal activity for example. So, identifying the areas in which these stocks exist and from which they are taken is going to be an important consideration for us. I'm really just flagging that rather than making any particular point about it.

H IRWIN-EASTHOPE: Yes, that's understood, sir. What I think we can do is I can just liaise with Ms Grigg after this session, and if the panel would like us to take a screenshot or something from the tool, I'm not the best technological person to navigate what is ultimately probably an online tool, but we can get you a map showing that. It'll have the areas which are in those spaces that you have just outlined, and I appreciate the need to understand the impact on the fish stocks within the insured area.

K GRIGG: We do know as well further to that that snapper, terakihi, kingfish, warehou, rig, crayfish are just some of the key species being caught in those areas, and that those harvest or permits being used has supported around 50 tangihanga and hui over the last year. It's impact goes broader and to support it to help feeding our whānau and things like that, but we can come back to you with a map.

K TOOGOOD: You wouldn't have heard the discussion yesterday, but what is likely to happen is that where we raise issues during this conference with particular commenters or participants and ask for information, we will try to identify all of those, record that we've asked those questions and then we'll probably include them in an RFI which will bring us within the procedure that's laid down under the Act for us to obtain further information.

H IRWIN-EASTHOPE: It's helpful to understand, sir. We will wait for that to be providing further information.

K TOOGOOD: Thank you. We appreciate it.

N HAMPSON: Good morning. I just had a question about the risk to aquaculture in Admiralty Bay. Would it be right to assume that that risk would be the



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same for any large ships that chose to anchor in that bay or is it specific to these particular vessels?

K GRIGG: It would be true of any ship and the point there would be for iwi to decide what that looks like given if they have more information around what is that route, that docking in and around Admiralty Bay look like. Will there be any discharge? There's probably going to further questions around the conditions of that. That would need to be understood for iwi to be able to comment further on that, but it would be any ship, yes.

N HAMPSON: Right. Does any ship wanting to moor there temporarily need to have an approval or is there a process as you said where iwi get consulted about the ability to do that?

K GRIGG: That would be my understanding through the RMA where considerations are made around discharges from shipping, and then through there, there's a consultation process outlined to engage with iwi as appropriate.

N HAMPSON: All right, thank you very much.

H IRWIN-EASTHOPE: Perhaps if I could say one further point just from a legal perspective on that, and we're happy to provide that by way of a supplementary answer as well, but I think the critical point, at least for me, is that the assessment of effects focuses on a particular iwi and the impact on a particular iwi without actually recognising that the new space that's created is going to cause effects for multiple iwi. It's coming back to this point about, okay, well what are the actual effects, who are they affecting and then how are they assessed? I just wanted to make sure that point wasn't lost in the bigger picture.

L LOVELL: Thank you. I've got a follow up question on the Admiralty Bay situation. Are you aware of any vessels currently fishing in the South Taranaki Bight who also use that bay as a sheltering place? Basically, is there any vessel movement between the areas already?

K GRIGG: I'd have to go back and look into that more deeply, but from what I understand, the fishing vessels are coming from either Sealord and



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going up or are from Egmont Seafoods from the Port of Taranaki, but I can come back and confirm that. Sealord have their own docks/docking places. They're based in Nelson. Sorry if that's not clear. They already have places where they come back to if they need to do.

H GILES: Kia ora caller. I just have a few questions. In your presentation, in your comment, you note that the difficulty obviously that iwi can't sell their shares, etc, unless they're within the buy group. Picking up on that point, do you have a sense if there was a reduction in stock productivity of what the effect would be on those settlement assets value? Is there an example elsewhere for example, where say fisheries has been impacted by an external event which then has affected the area for that rohe, affected the value of their assets or affected their commercial activities that we could look at or identify, given what you're saying in terms of the limitations, in terms of their ability to move elsewhere, and as I asked this morning, the inability to just as we know pick up and move to another rohe? Is there anything you can provide us that would help us to understand the extent to some extent?

H IRWIN-EASTHOPE: Perhaps just before I pass over to Kylie, I'll just note. I mean other than environmental impacts that are not … be careful to say not human made but have fluctuations in fish stock for natural causes, but the other example that I can think of is actually the 2018 right issue. Of course, it is different, but that is the High Court case that I referred you to earlier. That is not an example that's completely on point to your question, but what it does do is outlines the issue (and apologies if members of the panel aren't across the case), when settlement quotas effectively or the nature and the value of the settlement quota is eroded through a particular action. Those 2018 rights that were there having a fiscal impact on the value of the settlement quota and just as well effectively something that is … I just want to be careful with effectively that wasn't consistent with the fishery settlement. That's one example that I can think of just top of mind, but I'll just hand over to Ms Grigg to [inaudible 1:27:52] examples.

K GRIGG: No, I think that's quite perfect. I wondered if there's a follow-up question that's more specific too, I guess so that I can understand what you're



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asking. Are you trying to understand the settlement itself or I guess I'm asking for further detail.

H GILES: Probably both, and don't worry. I mean, there will be an RFI and I'll be able to put this better that way, but it's more just understanding or trying to understand the correlation between impact and as you've said, the value of the asset that has been transferred to it through the settlement.

K GRIGG: Yes, I guess for the settlement, would there been two arms to the settlement? Both the non-commercial and commercial value can come in many forms. There's monetary value and then there's also value of being able to connect with our culture and fish and practise tikanga, and feed our whānau. Some of that depends on how you quantify, I would say too in response to that.

H GILES: Yes, and just to a corroborator of that, just to confirm my understanding is what you're saying basically is that based on way the settlement legislation is premised and effectively the inability to go to the open market, there's no realistic ability to rebalance into an equivalent fisheries without impacting the Treaty settlement intent because the assets are geographically and species anchored I think is what I'm asking. So, just to clarify, that's effectively what you're saying?

H IRWIN-EASTHOPE: Yes, and now that we're still getting into this level of data, I actually do think Justice Bolt's decision is helpful in the way in which he assesses the importance of the value of the settlement vis a vis the 2018 rights, which impact the value of the settlement more so in commercial terms because that was dealing with commercial settlement quota. I do think that is an example that may assist.

H GILES: Okay, apologies if you've provided it. If you haven't, it would be helpful to get that decision provided.

H IRWIN-EASTHOPE: Yes, absolutely.

H GILES: Thank you. That's all my questions.

K TOOGOOD: Kia ora. Well, thank you very much. We really appreciate your contribution. Thank you for joining us.



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H IRWIN-EASTHOPE: Ka kite.

K TOOGOOD: All right, the next presentation is from Seafood New Zealand, and they are presenting online also.

[no dialogue/background administrative chat 1:31:05 – 1:32:22]

T BOCK: We're just prepping it. We'll just talk loud.

ELLIOTT: Perfect.

T BOCK: Good morning. I don't know if you want us to jump into it.

K TOOGOOD: Yes, please do. Could you introduce yourselves please so that we know who's speaking?

T BOCK: Yes, absolutely, so good morning.

K TOOGOOD: Yes, please do. Could you introduce yourselves please so that we know who's speaking?

T BOCK: Yes, absolutely. So good morning. I'm Tiff Bock. I'm the General Manager Inshore at Seafood New Zealand, and I've got with me—

T WELLS: Kia ora, I am Tamar Wells. I'm the Policy Manager Inshore at Seafood New Zealand.

K TOOGOOD: Kia ora.

T BOCK: I'm going to apologise, I will have to run at 10:40 or 10:45, so we will try to be relatively quick.

K TOOGOOD: I'm sorry we're running a little bit late. We've had some technical problems. It's good to see you.

T BOCK: That's all right. Technology doesn't always behave.

K TOOGOOD: It's frustrating.

T BOCK: All right, I don't want to go through our whole submission. I don't think that's going to be the best use of your time. I will just highlight that the area of the TTR Application is of significant economically to the region and to fisheries more broadly. There's around 68 vessels that fish in



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the affected areas, about 450 quota owners, including iwi, that have rights in FMA8, which is the fisheries management area. The key processor in the region is A1 Seafoods, who support around 50 direct jobs and process around 600 tonnes of fish. So, estimated economic contribution is about $107 million, $44 million to GDP and about 416 FTEs.

We, at Seafood New Zealand, I'm sure you're aware, have been engaged in TTR's applications for over a decade through submissions, court appeals, etc. Our core concerns for the Application remain and haven't been addressed in any significant manner in this Application. It's basically the same as previous versions from our perspective. We have been reaching out to TTR to engage directly with them, and the conversations are ongoing, but we haven't resolved key issues just yet.

T WELLS: One of our major concerns is that we consider there's been an inadequate assessment of the impacts on commercial fishing. TTR's assessment has focused very narrowly on the biological effects on the fish themselves, but not on fisheries as an economic system, which involves investment technology and regulation. We continue to stress that a fishery is a combination of the biological resource, economics, technology and rules. Without considering all of those elements, we consider the analysis is incomplete.

There has been no proper economic assessment to determine the consequence for fishers' quota or the online processes. We consider that the spatial scales used in the assessments which either cover the entire fisheries management area or the area of the South Taranaki Bight are too course to reflect the localised scale which might impact on individual fishers.

The baseline information remains insufficient. This was a key deficiency identified for the Supreme Court in earlier proceedings. The only update that we've had since 2016 has been on catch data, which isn't a true assessment of the effects of fishing operations. There has been considerable new information present since the last application. Fine scale fisheries data is now available due to the changing and reporting requirements in commercial fisheries, which has been in



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place since 2017. In 2020 there were spatial restrictions put in for the protection of Māori dolphins, which has reduced the area currently available to fishers in FMA8.

There's been improved mapping of reef habitats of particular significance for fisheries. There's also been a marked increase in snapper abundance, which has resulted in a 40% increase in the total allowable commercial catch for that stock, which is highly valuable species. There's also an emerging surf plan fishery along that coast, which represents new commercial value, which did not exist at the time of the initial application.

The Fisheries Act is a core marine management regime that needs to be considered under the EEZ Act. The Supreme Court confirmed that the panel must assess how TTR's proposal aligns or conflicts with the objectives sought under the Fisheries Act. Simply, we must ask, would seabed mining produce effects inconsistent with how fisheries are meant to be managed under New Zealand law?

Part of how fisheries management works in New Zealand is the very important framework of properties rights. That is individual transferable quota (or ITQ) and that is recognised as a property right, providing perpetual and proportional access to defined fish stocks. Importantly ITQ forms a commercial basis of the Māori fishery settlements, reflecting its enduring legal and economic value. There are a number of things that can affect the value of ITQ, but two important ones are the stock health and sustainability and the secure access to fishing grounds so that that value can be harvested. Those two factors are potentially significantly affected by the proposal of TTR and obvious activities like seabed mining can reduce the quota value by creating actual or perceived threats to stock abundance or access.

Another part of fisheries management in New Zealand is the environmental principles of the Fisheries Act. One of those important to the TTR Application is the habitats of particular significance to fisheries management. That requires decisionmakers to take into account protection of these habitats, including spawning, nursery and feeding areas that underpin fish productivity. There is an area within



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the affected area in TTR's proposal, called the Pātea Shoals, and that has been identified by Fisheries New Zealand, NIWA and the Taranaki Regional Council as a habitat of particular significance to fisheries management. If seabed mining damage this habitat, it would directly contradict the Section 9 principle of the Act and undermine current or proposed management actions for the area.

T BOCK: I understand that part of what you guys are hearing about today is our proposals and conversation about the conditions and proposed amendment to those. If it's all right with you guys, if you don't have any questions on that context setting bit, I'll jump into those.

K TOOGOOD: Yes, thank you.

T BOCK: All right, so we're proposing a new general condition for fish and shellfish. The proposed conditions as currently drafted include general requirements for TTR to avoid, remedy or mitigate adverse effects on seabirds and marine mammal. That's conditions 9 and 10, but there is no similar requirement for other marine life, particularly fish and shellfish, and also the consent conditions address noise impacts on marine mammals. There is no condition addressing noise impacts on fish species, harvested fish species. This may be a recent development, but research now shows that fish are very sensitive to underwater noise and it may affect where they go, how they swim, etc.

So, we consider TTR to be required to take reasonable steps to avoid, remedy or mitigate adverse effects on fish and shellfish, including noise related effects, which I think is an additional condition in that area. That means that a new condition that ensures adverse effects are mitigated and avoided including but not limited to effects arising from the sediment plume, underwater noise, lighting and effects on fish habitats, water quality or primary production.

It should also require that once underwater noise has been monitored and verified as is required under condition 11, that the noise profile of the mining operation be compared to what's known about fish sensitivities of species in the area to check if there's a strong overlap, and if there is, then they should be required to instigate mitigation measures to reduce underwater noise production.



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We're also looking at the pre-commencement monitoring. Proposed condition 47 identifies monitoring of seafood resources and commercial fishing as minimum requirements, but the baseline environmental monitoring plan doesn't appear to address seafood resources or commercial fishing directly. Monitoring of seafood resources to really focus on the species that are of particular importance for commercial fishing, customary fishing or recreational fishing in the area. We recommend that as a condition related to the scope of the pre-commencement environmental monitoring plan that a fish monitoring plan should be developed by a suitably qualified experienced person in consultation with persons nominated by SNZ (Seafood New Zealand, sorry), representatives of the local recreational fishing sector and relevant non-commercial customary fishing interests. The shape and exact content of the plan, we would leave to the experts, but the primary purpose here is to ensure that baseline information is available in relation to species of interest, to be able to then detect changes that may be caused by the mining activities and provide basis for actions to be implemented to manage any adverse effects on fish populations arising from the mining activity.

Things that will need to be thought about and that include the spatial extent of the monitoring, which species you would monitor, what data should be collected, how you might collect that, and data processing and analysis. The plan ideally would also contain research to fill any gaps where there isn't sufficient information to provide the baseline or where there is significant uncertainty like the impacts of suspended sediment on commercially harvested fish species, which we feel is still an outstanding gap.

We've also noted in our conversations, and this is a nice condition, that there isn't a lot of familiarity of the Applicant with the commercial fishing activity that's in the area. We think that it would be useful to require TTR to familiarise themselves. That includes engaging with commercial fishers directly to understand how they fish and the attributes that make part of the affected area important to them, so really getting that understanding of the importance and how the fishing works. With that in mind, they should also be required to obtain updated



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information annually from Fisheries New Zealand on the fishing that is occurring in the area, how it's going, what it's looking like, and also any new regulations affecting commercial fishing. So, if there's closures for other reasons, they need to be aware of that and aware of the effects that that might be having on fishing and pushing people into different areas where they haven't fished before.

I'll move on to proposed condition 54 which is the environmental monitoring and management plan. It includes the monitoring of seafood resources, but omits any reference to commercial fishing. This is again that focus on the fish rather than the fishery and the people involved. In spite of the reference to seafood resources, there is no monitoring of seafood resources in the draft environmental monitoring management plan. The only fishing activity that it seeks to monitor is recreational fishing, which as you can imagine we view as quite a gap. The ongoing monitoring should be ensuring that TTR's mining activity does not result in any adverse effects that were not anticipated. It is important that they do this monitoring and therefore we recommend that the proposed condition 54 should specifically refer to the monitoring of commercial fishing, not just recreational fishing and their environmental monitoring and management plan.

As conditions relate to the scope of the environmental monitoring and management plan, TTR should be required to obtain annual updated information from Fisheries New Zealand on fishing and discuss any changes with commercial fishers, and within six months of commencement of mining operations, establish a mechanism so that commercial fishing interests can present any concerns about impacts on the fishing operations and those concerns to be investigated using a transparent process. If the concerns are found to be valid and reasonably attributable to TTR's activities, remedies or mitigations should then be determined ideally through agreement between the parties.

As a condition relating to the scope of the environmental monitoring plan as well, TTR should be required to undertake ongoing monitoring of seabed resources under the fish monitoring plan, so linking between the two things. It should include testing of relevant fish species under



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MPI's National Chemical Residue Programme just to make sure that there's not contaminants ending up in our fish.

Parties to this, and linked to that building of a relationship, condition 86 we know requires six monthly meetings between TTR and fishing industry representatives. We very much appreciate the intent. We're concerned that those meetings start too late, so six months before the mining starts is too late. We would propose that they should start within six months of the consent being granted as opposed to just before the activity starts to help avoid conflict wherever possible. We also are concerned about the purpose of those meetings being limited to operational matters. The actual impacts on commercial fishing remain uncertain and we think that therefore we should be involved in the design of pre-commencement of monitoring and not simply provided with information once mining commences. We think that the purpose of the meetings should be expanded to cover matters related to pre-commencement monitoring, including design of the fish monitoring plan, monitoring the commercial fishing and discussion of monitoring results. Sharing of relevant information and establishing a co-ordinated approach between the seabed material extraction activities and commercial fishing activities, including a communication protocol and developing agreed remedies or mitigation measures if TTR activities cause adverse effects on commercially harvested species, fish habitats or commercial fishing activities.

T WELLS: In addition, and linking back to our comments on the habitats of particular significance of fisheries management, TTR's proposed condition seven, benthic ecology, refers to Schedule 4, which sets out a list of benthic monitoring sites. As noted in part 3 of our comments, habitat significance, particular significance of fisheries management has a special status under the Fisheries Act, and that must be taken into account.

We recommend that the conditions should require that all areas of habitats of significance of fisheries management that have been identified by Fisheries New Zealand in the effective area, whether identified before or after the commencement of mining should be added to the benthic monitoring sites in Schedule 4. We also consider



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that fish monitoring should be undertaken at the benthic ecology monitoring sites, particularly those sites that are considered to have tax [? 1:48:50] of significant fisheries management.

T BOCK: I think lastly we've got a couple of other proposed changes that are a little bit more technical, so changing references from Fisheries New Zealand to Seafood New Zealand, as we have amalgamated since the previous version was done. The final one we wanted to flag here was that we support the monitoring effect recovery in proposed condition 8 and the post-extraction monitoring in proposed condition 57, but the conditions don't address what will happen if monitoring shows that the benthic environment is not recovering. As such, we recommend that further consideration should be given to measures necessary to ensure that recovery occurs, potentially including the payment of a bond by TTR to the EPA.

In our view, while the research indicates that it is unlikely, we think there's considerable uncertainty and we wouldn't want to see a situation where the benthic recovery isn't happening and there's no mechanism by which to force actions to be taken to actually support that recovery. That's something we would be keen to see.

Sorry, we've raced through. Are there any questions before I have to run?

K TOOGOOD: Yes, there are.

T BOCK: Go for it.

K TOOGOOD: I'm going to focus just on the conditions and Gavin may have some questions about this also, but it's been very helpful to see in your presentation, in some of the matters you've touched on, you have recommended particular drafting changes and so on. One of the things that we find difficult is people coming to the panel and saying, 'Well, there should be a condition about this', but they don't tell us what the condition should look like. Can I take it that you have the resources and the willingness to assist in any drafting that might be required further down the track of conditions of the kind that you've referred to? Will you be available to assist in that regard?



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T BOCK: Yes.

K TOOGOOD: That's helpful, and I won't ask you to tell us now, but we will want you to tell us at some point what additional information, if any, you would require to assist in that drafting process.

T BOCK: Okay.

K TOOGOOD: All right, thank you.

G KEMBLE: Yeah, the Chair just took a lot of my wind [laughter]. One thing I do have a question about is a specific change, your paragraph 157. Sorry, 156(2). You're suggesting we delete Sanford?

T BOCK: Yes.

G KEMBLE: Why is that?

T BOCK: Seafood New Zealand is the peak body representing the seafood industry in quota and fishers across the whole of the country. In our view, there are a number of companies involved with us, and Sanford is just one of those. I don't think … we would not nominate. We would go through our representative processes to nominate an appropriate party to participate. The identification of a single company, it wasn't clear what the justification was for that company versus any of the others.

G KEMBLE: Thank you. Also looking at your habits of particular significance for fisheries management, I understand that the Pātea Shoals is an area that is proposed to be one of the areas that hasn't actually been confirmed. Is that understanding right? I think that came through in the Applicant's response.

T BOCK: I'm really sorry, I will have to go check, but Fisheries New Zealand in the last month published their first tranche of identified habitats of particular significance. My recollection is that the Pātea Shoals is on that list, but I would actually want to just go check for you. They are working on a tranche two now, so it's not far off, but my understanding is the Pātea Shoals was on that first list.



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G KEMBLE: We may identify it. Do they identify in a geographic location or is it just by reference?

T BOCK: They've got maps, not very specific GIS maps but maps showing the general location of what they consider to be the habitat of particular significance for fisheries management. Actually my understanding is that Pātea Shoals has actually been mapped. It's one of the few that's been properly mapped.

G KEMBLE: Okay, thank you.

L LOVELL: In your comments, you refer or describe that MPI has previously applied a (you call it) rule of thumb 5% threshold in their undue adverse effects assessment for new aquaculture applications. Can you provide either a bit of background or maybe it's easier for us to follow it up in the RFI, whether you'd be able to provide those particular assessments, so just for us to understand a bit more of the context around within which this 5% threshold was applied?

T BOCK: Yes, we can provide sufficient information. It might also be a useful question to pose to Fisheries New Zealand as they're the administrator of the application of the undue adverse effects assessment. We can find it, but I think they might be able to provide that as well.

L LOVELL: Thank you.

T WELLS: In general, that test applies when there is an application for aquaculture space, that space is then looked at and the thresholds to say how much fishing will be displaced from this area. If something hits that 5%, then that is considered an undue effect, and the actions to address that either are triggered.

T BOCK: I do believe—

L LOVELL: [overspeaking] number we're familiar with the test. The interest was in that particular number with the context for the threshold. Thank you.

T BOCK: Yeah, I was going to say it is worth having a look because the undo adverse effects is based at whatever level and it was applied in one particular situation and it may not be … I mean I don't know that we



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would agree it's applicable across everything if that makes sense, on a case by case, but it is the one existing number that does exist.

G KEMBLE: Sorry, I've just got one more question. Have you seen the Applicant's response and the changes that have been volunteered to the conditions?

T BOCK: I have not had a chance to look at it, no. Sorry.

G KEMBLE: Thank you.

K TOOGOOD: That's on the website, so you'll be able to find it easily.

T BOCK: Okay, we'll have a look. Apologies that we didn't in advance.

H GILES: Kia ora, and this might be a bit of esoteric question, but we heard earlier from Te Ohu Kaimoana that iwi Māori quota, under their legislation, can't move in terms of putting quota on the open market. Just a question in terms of the market outside of the iwi Māori framework. I guess how active is it? Is quota reasonably easily transferable within the market?

T WELLS: In terms of regulation, it is a free market. There is constraints on settlement quota. That means it cannot be traded for normal quota as it's called. It can be traded freely; however, it's subject to market conditions, so if the value of the area has reduced, you're not going to be able to easily sell your quota in an area that can't be fish, or there's adverse effects happening in that area. You will lose the value on the market.

H GILES: Okay, thank you.

K TOOGOOD: All right, kia ora. Thank you very much for your presentation. I expect this won't be the last engagement we have with you, so thank you very much for your assistance and what we anticipate might be your help in the future. All right.

T BOCK: Awesome. Yeah, always happy. Thank you very much.

K TOOGOOD: Thank you. We're only 15 minutes late for morning tea. We will make that up by having a shorter lunch break than anticipated. We will begin



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again just after 11 AM with a presentation from the South Taranaki Underwater Club. Thank you very much.

[break for morning tea].

[no dialogue/background chat 1:58:00 – 1:58:36]

[conference resumes]

K TOOGOOD: Good morning. I'm going to say right off the bat, thank you so much for the pictures.

B BOYD: You're welcome.

K TOOGOOD: I mean, they're beautiful and it makes me very jealous of the fact that I'm not able to dive. I have sinus issues and it frustrates me, but it gives real context to the discussions we've been having to talk about what is actually under the water, so thank you so much for that at least.

B BOYD: You're welcome. Hopefully, we can help a little bit more with that now.

K TOOGOOD: Please do [laughter].

B BOYD: Okay Kira, my name's Bruce Boyd. I'm A life member of the South Taranaki Underwater Club.

K TOOGOOD: Bruce, would you like to use a microphone because we want to record it and everyone needs to hear what you've got to say?

B BOYD: Okay, we'll try again. Kia ora. My name is Bruce Boyd. I'm a life member of the South Taranaki Underwater Club and co-lead of Project Reef. With me is our other co-lead, Karen Pratt.

Project Reef was established with a clear focus on research, education and the open sharing of our findings with both the community, iwi and decisionmakers. Throughout its existence, it has remained strictly apolitical, committed to science and transparency. Today, I'm speaking on behalf of the South Taranaki Underwater Club. While Project Reef itself does not take political positions, South Taranaki Underwater Club has reviewed TTR's Application and does not support it.



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I'll begin with a little background. 10 years ago as a club, the South Taranaki Underwater Club realised how little information was documented about the rocky reefs and marine ecosystems on the shallow shelf of the Pātea Shoals. To help fill this void, we established Project Reef using citizen science, including photos, video, benthic surveys, hydrophones, plankton trawls, EDNA sampling and baited underwater video drops. This work was undertaken in collaboration with marine scientists and experts from NIWA, DOC, Te Papa and universities. We now have many terabytes worth of data.

For example, back in 2011 when TTR conducted their desktop study, there was one sponge record for South Taranaki. We now have documented 40. These are now included in NIWA's National Sponge Guide. The South Taranaki Bight is unique, a shallow shelf extending out past the EEZ and still only 20-30m deep. As divers, we knew of many offshore rocky reefs, but apart from the north and south traps, they had never been mapped. In 2020, in collaboration with NIWA's Dr Mark Morrison and using local knowledge, these known reefs were being mapped, and a year later, 14 of these were ground truth by coast cam. This body of work, along with other extensive analysis from us was then fed into the 2022 Morrison report.

Okay, there's been plenty of talk of reefs throughout this kōrero, so what do these reefs in the communities look like? Well, because a picture's worth a thousand words, here's some video to give you an idea.

Okay, we're diving.

[video playing].

So, yeah, typical to see lots of large size schools, with butterfly perch and scarlet wrasse.

K TOOGOOD: Can you identify where the location of these various shots are?

B BOYD: Yes, this is predominantly all Project Reef. It's a reef we started studying and it never formally had a name, and because we were Project Reef, it's just evolved. It is now known as Project Reef.



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K TOOGOOD: Where is this within the—

B BOYD: Okay, we are 11km off Pātea, and 23m down.

K TOOGOOD: Right, so due east of Pātea?

B BOYD: Yeah, it's straight out from Pātea.

K TOOGOOD: Due west, I mean. I'm sorry.

B BOYD: Yeah, and it is right in the path from where the plume is projected to go.

K TOOGOOD: I see.

SOUTH TARANAKI UNDERWATER CLUB: We have a chart here. That's, I think, your second page, and when that comes up, maybe Bruce can pop along and just show you the location of Project Reef.

K TOOGOOD: Okay, that'd be helpful.

SOUTH TARANAKI UNDERWATER CLUB: Yeah. Oh sorry, I'll play it.

B BOYD: Keep that going so you can see all sorts of fish there. There's terakihi, butterfly perch, blue cod. We had Mark Morrison out there for a dive before any survey work was done and he was absolutely amazed at what number of juvenile blue cod were in the area. That was one of Mark's main focuses

K TOOGOOD: The water clarity is fantastic.

B BOYD: At times [laughter].

K TOOGOOD: Yeah.

B BOYD: Those are duelling anemones [? 2:4:29] on there – beautiful.

SOUTH TARANAKI UNDERWATER CLUB: Just pointing out, we do actually have footage of quite large crayfish densities but you can understand there's no marine reserves in South



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Taranaki, so we're not going to be showing or promoting but just to say if you want to, we can show you videos of far more extensive crayfish. It is a three minute video by the way.

K TOOGOOD: Gavin wants the GPS co-ordinates [laughter].

B BOYD: So, you see there's often blue cod all over the place, everywhere we go. Sponges, lots of different types of sponges – very important on the reef. Well, they are one of nature's oldest filter feeding animals and they are filter feeders. What extra sediment in the water may do to them, we don't know. This is different algae growing [inaudible 2:6:03].

SOUTH TARANAKI UNDERWATER CLUB: This is Bruce. That's you.
[video playing].

B BOYD: You can see the amount of sponges, and sponges are regarded as sensitive habitats.

[video playing].

K TOOGOOD: So, this is all around 20m, Bruce, is it?

B BOYD: 23m, yes. You can see the amount of turfing algae and everything. That's habitat. Even just the scruffy stuff on top of the rocks, that's a huge habitat for all sorts of life. That's bryopsis. They're actually animals, colonies of tiny animals.

[video playing].

This is one of the underwater video drops we do. It's quite interesting. We do a lot of talking with DOC, and about the most they'd recorded was five or six blue cod on a baited underwater drop and that was in a marine park. On that bit of video back there, on one frame, we counted 71.

K TOOGOOD: They're all juveniles, are they?

B BOYD: There's some bigger ones, but mostly juveniles.



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SOUTH TARANAKI UNDERWATER CLUB: Do you want to explain and point out the different age groups of cod there?

K TOOGOOD: All right, that's marvellous.

SOUTH TARANAKI UNDERWATER CLUB: If you have time, we're more than happy to lead you through in a bit more detail. We also invite you on your way home if you're going through the airport, at Puke Ariki upstairs is a diorama. We were involved in a long-term, very popular exhibit called Reef for Life and upstairs is the diorama of Project Reef, as much as we can do.

K TOOGOOD: Oh, okay.

SOUTH TARANAKI UNDERWATER CLUB: We're more than happy to meet you there and explain.

K TOOGOOD: Well, that's a generous offer, and we might be able to take it up actually because depending on when we finish tomorrow, we'll be going straight back to New Plymouth. We are probably committed on Friday morning, but on Thursday afternoon, towards the end of the afternoon, we might well have some time.

SOUTH TARANAKI UNDERWATER CLUB: Okay, and if you're running late, I'm sure we can talk to Puke Ariki as well about maybe opening a bit later. We can explain the importance of the different organisms you see, that might not be familiar to non-marine scientists.

K TOOGOOD: We'll communicate with you through Elliott later today and see if we can arrange something. That's kind of you to make that offer quite, but that would be quite interesting. Hilke, would be you—

H GILES: Sounds interesting.

K TOOGOOD: Yeah, all right. Thank you.

SOUTH TARANAKI UNDERWATER CLUB: Kia ora koutou. Thank you so much for the opportunity to provide some high level comments today. As the club has provided you with over 200



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pages of comments, which we tried to make as user-friendly as possible with links to documents and videos, we have chosen three key areas we believe warrant your close attention and understanding. This, we hope, will assist you in your proportionality weighing up process. We also touch at the end on two legal matters.

So proportionally (1) when you have one of the biggest dredging operations in the world and (2) happening within a marine environment that is proportionately unique on a national scale, with proportionately worse conditions offered than an international best dredging practise, there is a challenging weighing up to be done. To look at the first proportionality point, that this is one the biggest stretching operations in the world, TTR's operation consumes the equivalent of three times New Zealand's annual consumption of heavy fuel oil and the equivalent of Hamilton's daily water usage is produced by TTR's onboard desalination plant. Unlike other dredging operations worldwide, there is not only magnetic separation but an energy intensive grinding process and the latter being critical for their operation.

The TTR mining operation tonnages of extraction are over three times bigger than the largest mega dredging operations in the world, which are the port development in Rotterdam and land creation in Dubai. These dredged 400 million tonnes, taking 10 years. TTR is dredging 500 million tonnes in 10 years, but then another 500 million tonnes in the next 10 years and another 500 million tonnes in the next 10 years as there is a permit term of 35 years. So, proportionately, it makes sense that if the extraction is immense, so is the deposition of tailings and fines. It is the fines that have the environmental impact.

To explain, 50 million tonnes is extracted then through magnetic separation and grinding, a concentrate of approximately five million tonnes is obtained for export and the remaining 45 million tonnes is deposited from a pipe. There are different sizes of sand coming down the pipe, but it is only the smallest sizes, defined as silt and mud, called fines, that cause the environmental impact as fines are light and remain suspended in the water column. Now at the point of discharge from the pipe, the fines from TTR’s operations are a thousand to 4,000 times



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higher than the level of fines found naturally. So, 800g/$m^3$ and the background is 0.2-0.7g/$m^3$.

I now want to emphasise a really important point for you, the panel. It is one of the most critical points in the whole sediment debate. It is highly relevant as it is a major factor in determining the fines we use as inputs to the sediment plume modelling. When those fines come out of the pipe, there are a number of factors that determine whether those fines get buried in the mine patch or whether those fines find their way out into the ocean into what we call a sediment plume.

Now HL Wallingford, TTR's expert, proposed that due to a process called flocculation (and I'm happy to define that if you want), a large percentage of fines would deposit into the mining pit and 0.7 million tonnes of fines would be available for the plume modelling. Compare that to the three million tonnes of fines used in the plume modelling in the previous application, larger because flocculation wasn't applied. The panel then needs to ask the critical question, are there situations that could occur, which means flocculation doesn't happen? Because if we don't have flocculation, then we probably want to be looking more towards the first hearing's modelling of the settlement plume, with the larger quantities of fines.

Dougal Greer, KASM's oceanographer, has challenged HR Wallingford's assumptions about the behaviour of the fines leaving the pipe. His presentation was a matter that really interested the Chair in the reconvened hearing in 2024, and led the Chair to inquire as to the plausibility of rerunning the plume modelling.

In the Fast Track Application materials, is an HR Wallingford report that has never been before previous DMCs, which indicates that due to the volume of material exiting the pipe, this will disrupt the flocculation process. The same report also suggests the solidity of the ocean will also disrupt flocculation. There are engineering influences and chemical aspects that can impact on the degree of flocculation. Now these are just two examples which give a sense of uncertainty, and I'll just note that DOC's expert, Peter Longdale, also observed one lab test which showed non- flocculation of the fines.



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So, onto the second proportionality aspect. I'll just move this to here and this is the marine chart I was talking to. Do you want to just go to show the project reference? The second proportionality aspect is how our local marine environment is proportionately unique on a national scale. I thought I'd just interrupt.

K TOOGOOD: Just pause there, Bruce, so I can translate that to my hard copy.

B BOYD: Where was it?

SOUTH TARANAKI UNDERWATER CLUB: Later on also there is a video. I've got Project Reef, I think.

K TOOGOOD: Just so that we can get this into the record and fixed in our minds, we've got the Pātea Banks identified there. Can you just put your finger on that, Bruce, for us?

SOUTH TARANAKI UNDERWATER CLUB: It's the whole blue area, isn't it, the light blue area.

K TOOGOOD: I see it.

SOUTH TARANAKI UNDERWATER CLUB: We call it the shallow shelf or Pātea Banks.

K TOOGOOD: Right, so where is Project Reef in relation to that?

B BOYD: It's right under [inaudible 2:16:07].

K TOOGOOD: There's a depth indicator of … was it 18?

B BOYD: Yeah, it's [inaudible 2:16:14] but we're actually in about 23.

K TOOGOOD: 18 metres, so that's—

B BOYD: It's more. That's at 24, but we're about 23m.

K TOOGOOD: Okay.



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SOUTH TARANAKI UNDERWATER CLUB: This is actually a hugely critical aspect to this whole project. This is the Pātea Shoals, and you will see, if you look at your piece of paper there, there are numbers all along. This peak line here denotes where the EEZ starts, so 22km. There's been the Regional Council. Yeah, so very shallow. Even though we're over 20km offshore, these areas are only 20m, and R&S by the way denotes rock and sand. That's in rotation. This is hugely important, a shallow shelf, unique in New Zealand. If you were to look at a marine chart for all of New Zealand, we've highlighted here this square here just to show you if you're in New Plymouth, gosh, you're in 100m depth pretty quickly, whereas here, there's a huge area of shallow shelf where there's plenty of light hitting. It's unique.

So, the shallow shelf, the Pātea Shoals, proportionately compared to elsewhere in Aotearoa New Zealand, we have a unique geological shallow shelf which extends over 40km offshore before dropping into the deeper waters of the South Taranaki Bight. It spans both territorial waters and out into New Zealand's exclusive economic zone or EEZ where TTR have their operation, and TTR are operating in only 20m-50m depths.

Right, I've got a video now. Now before I start this, I'll just explain that this is actually a video that we took from Mark Hadfield in the first hearing in 2014, and then we've overlaid it on a GIS spatial map. Okay, so what we've actually done, and I think this is really important and we suggested as well to previous decision panels that because this is so complex and there are so many factors, it's really helpful to visualise, so that's what we've done. We've layered environmental stuff over geological stuff. Anyway, this particular GIS map shows you 2014. Remember I said that was three million tonnes of fine sediment scenario, only because there isn't such a video like this in the second hearing in 2017. Does that make sense?

K TOOGOOD: Yeah.

SOUTH TARANAKI UNDERWATER CLUB: Cool. Okay, so I'll just start this video. This is just to show you that depending on waves and wind, the plume moves around, but as you



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can see its main trajectory is over the shallow shelf or Pātea shelves. Now as I mentioned, sediment comes in different sizes. As you'll see at the top here, this is the 0-38 sediment size. Now in our 200 odd pages, I've got a table. If you're not sedimentologists, I don't know how much the panel understands about sediment sizes. It's probably really important actually I just elaborate.

So, sand comes in different sizes and at past 63 microns (there is that table in the report there), by geologists that's deemed mud and silt, and mud and silt are your fines. That here is the 0-38 microns. Now in the first hearing, the 38-90 microns was modelled. You don't see that component here, but in the second hearing cos of flocculation deemed 100% default and be tracked, so you don't have a video. So, just to emphasise, this is a 0-38 micron and I believe it's the sea floor because also there's other videos showing different micron sizes at the surface.

K TOOGOOD: Where is that information?

SOUTH TARANAKI UNDERWATER CLUB: Because I pulled it off the EPA website so you can go to 2014, but these videos are no longer gone on their website. I have said to the EPA they need to be on there but they're not. So, I had downloaded these as a means of our communication amongst the club to try to understand the sediment plume.

K TOOGOOD: So, if we were accessing the online—

SOUTH TARANAKI UNDERWATER CLUB: You won't find them.

B BOYD: You won't find them.

SOUTH TARANAKI UNDERWATER CLUB: No, so these are the first hearing, 2014, Dr Mark Hadfield.

K TOOGOOD: You obviously regard this information as important to us.



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SOUTH TARANAKI UNDERWATER CLUB: It does to visualise due to wind and waves and also for you to understand that different sediment sizes I think are nice personalities. Don't just think of a sediment plume. If you talk to Dr Mark Hadfield who did the videos, and I've got links in the document too, he beautifully words it and goes through different sediment sizes and their personalities whether they're light enough to remain suspended. The sediment size not in this hearing is the 38-90 micron and that has its own personality, right, but that personality according to TTR now has been all stuck in the patch and not in the plume.

K TOOGOOD: Okay, but my question really is where would we find this information, these videos?

SOUTH TARANAKI UNDERWATER CLUB: Ask the EPA. It will be in their archived material. It should be online, but it hasn't got there, but remembering we have taken the video and we've overlaid it to be helpful for you on a GIS map. This GIS spatial map is us putting Hadfield's, one of his sediment plume maps on.

K TOOGOOD: Where in your electronic presentation would I find that?

SOUTH TARANAKI UNDERWATER CLUB: You will find links to a number of videos or different sediment sizes and I can get right back to you. If you go Control F on my report videos, you'll very quickly get to it.

K TOOGOOD: That's fine. That's all I needed to know. Thank you.

SOUTH TARANAKI UNDERWATER CLUB: Yeah, as well as Hadfield's talk about the personality and so forth.

K TOOGOOD: Thank you.

SOUTH TARANAKI UNDERWATER CLUB: So one of the biggest environmental impacts of concern worthy of your careful consideration is for the modelled reduction in light due to the sediment plume, which has cascading effects for the entire food chain. Light is a fundamental driver of primary productivity, supporting the growth of microscopic algae on the sea floor, within the water column



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and the larger macro algae we call seaweed that you saw in the videos. There are forests of algae and meadows of algae on our reefs that are a sufficient size that they meet the sensitive habitat classification, a very important classification given by the Ministry for the Environment. In our comments on page 32 of our 200 odd page document is a table which shows the modelled impact of light reduction on a number of reefs, including the Project Reef, which you've seen in the PowerPoint earlier. So, an almost 30% reduction in the euphotic zone (and I can explain what that means if you like) at the Project Reef and 70 less high visibility days a year. Now much larger reductions have been modelled for the crack. The crack is a stunning … and I think actually if you go to the … is there a picture of the crack?

So, the Project Reef … sorry, so it's a much larger reduction to be modelled for the crack, a stunning rocky reef covered in sponges which stretches for kilometres and in relatively close proximity to the mining location. The optical report which you don't have by TTR in a report that you do have as a link in their footnotes and you certainly have links in our 200 odd page document. The optical report is … oh, you'll see anyway, page 32 has a reference.

Okay, so in a proportional sense, the extent of reefs so far offshore … and we're talking about a minimum of 1500-2000 acres from modelling, is unique in a New Zealand setting. There is hard scientific evidence by the Morrison et al 2022 report. This is a report that the Taranaki Regional Council talked to you yesterday about. There is hard scientific evidence by the Morrison 2022 report supporting what the local community have already shared with two previous decision-making panels, that there is an extensive network of reef offshore supporting rich biodiversity and sensitive habitats.

In terms of evidence before this panel, great weight needs to be placed on these findings in this report as it came out after the Supreme Court hearing. There has been no focused studies on the extent of rocky reefs offshore until the outreach collaboration with ourselves and Dr Mark Morrison of NIWA in 2020.



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We consider it is of material importance to address the current information gap that exists from not having a report addressing the chronic impact of the model light reduction and its impact for the local ecology including rocky reef ecosystems. I think you heard that earlier this morning. It would be desirable for the report to be co-authored by a New Zealand macro algal specialist, a New Zealand sponge specialist and a New Zealand fish ecologist.

The next point, the third point, proportionately worse conditions offered than international best practise. Conditions are absolutely fundamentally critical if such a huge operation were to be approved, because largely due to the longevity of the permit, the tonnages involved and these unique shallow gaps in which the mining occurs, a number of conditions are poorly designed when measured against current international dredging standards. Strength and conditions will be essential to address key environmental uncertainties.

In our 200 page report, we've provided extracts and links to current international best practise for large offshore dredging operations in Australia. I will note that these are extensive. They're very robust and these are actually for dredging operations. I'm talking 20 million tonnes and TTR doing 50 million tonnes.

Our comments also raise the ISO risk management standard, ISO31000 and DOC's marine monitoring and reporting framework 2022 for your attention.

So, finally now coming to legal matters. Regional plans have to give a fact to national policy statements of which there is one (renewable electricity generation 2011), which is currently under amendment due to being elevated into a nationally significant issue. To assist you in your proportionality task, our comments on pages 177-181 provide in financial, in other terms the significant opportunity cost from losing economic benefits to the region in New Zealand from having a mining operation that is incompatible with offshore wind.

The recent Delmore fast track draft decision discusses at length the importance of panels giving consideration to opportunity costs. We appreciate the current legislative setting but still think it is an issue for



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your assessment, especially in light of the current amendment to the national policy statement on renewable energy generation.

The final legal matter, page 21, one of the reasons cited in a recent fast track draft decision (Delmore) for declining the application was the applicant's failure to meet the expected standard of care for a project of such magnitude. There is a clear expectation that documentation be of the highest quality and the applicant did not meet that threshold. So, we believe as part of the proportionality weighing up exercise the panel are tasked with a similar expectation for the Taranaki VTM project exists. We have numerous examples where the Applicant has not met this required threshold, for example pages 27-40.

In terms of time, we've covered economics quite extensively, I don't have time to cover that, but in conclusion, on behalf of the South Taranaki Underwater Club, it is our hope that the high level few points today and our 222 pages of comments will assist you as decisionmakers in navigating the complex task of determining the appropriate weighting of the decision before you. Thank you.

K TOOGOOD: All right, who's going to go first? Hilke? Okay.

N HAMPSON: Thank you very much. That was super helpful. Just an interest question really. Given the clearly significant attraction of those reefs for diving, does the area support tourism operations specifically for diving?

SOUTH TARANAKI UNDERWATER CLUB: This is a fabulous point. You can talk to the challenges of doing the work.

B BOYD: Yeah, we have many challenges actually to get off the case there. First of all, we have a river bar in Pātea, which is only negotiable occasionally, and then the weather out past there has to be suitable as well. We have small windows of diving opportunities, which is a real shame, so in answer to any commercial like tourism or anything, it would be impossible to plan for that.

SOUTH TARANAKI UNDERWATER CLUB: Sorry, could you just say your question again?



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N HAMPSON: I was just wondering whether the reefs or the diving industry supports tourism operations.

SOUTH TARANAKI UNDERWATER CLUB: Oh right, yeah, no, tourism, but I'm just going to say I think that whole ecosystem approach is our philosophy that those reefs are supporting juvenile fisheries, nurseries and fishing. And then people come to do fishing here, so it's a wider ecosystem approach. Unfortunately, there was technical issues, so I was going to use my computer, and had I done so, I could have played you footage of the boats going over the Pātea bar to give you a sense of the location. If you're interested, I will navigate to get what's on my hard drive that could be played through.

G KEMBLE: The video that we saw was of Project Reef, wasn't it?

B BOYD: Yes, correct.

G KEMBLE: How does that compare to other reefs? You make a point that there are a plethora of them? Is Project Reef unique?

B BOYD: It's pretty special. I wouldn't call it unique though. Each reef, lots of them have their own characteristics. You might find different species more at one reef than another.

SOUTH TARANAKI UNDERWATER CLUB: The Dr Mark Morrison report is actually really extensive on that. For example, he has a graph in there showing the different fish species at the Project Reef versus the other reefs that he mapped, the other 13 or so. Even though Project Reef sits within a network of bigger reefs, still in the report it says how special and unique it is in terms of what it holds. It's not necessarily on size. I think his report, if you look at it, it emphasises the importance of Project Reef, which as you'll be well aware is included in the Taranaki Regional Council coastal plan as an outstanding natural feature, which is why the Supreme Court talked about it so much.

G KEMBLE: My question was more based around whether it was one of the best examples of a reef habitat in that Pātea Shoals or whether there's a lot more similar habitat of that quality.

B BOYD: There's a lot more.



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SOUTH TARANAKI UNDERWATER CLUB: Yeah, I think they're all unique. They have different structures, they have different sizes. Some go for kilometres, like the crack you're talking about goes for kilometres. It's narrower. The diversity of sponges on it is different to Project Reef. There's a brackier reef which has enough sponges. It's called a sponge garden, which is what I'm talking about - sensitive habitats, which the Ministry for the Environment says we particularly need to look after. The densities of animals on reefs are different on each reef.

I guess also it just pops into mind, you have to be really careful when you set conditions because I think at the moment there are spots, but because each one is unique, I think a biologist would really need to assess which ones they want to choose for monitoring purposes because they are different. They're not comparable.

G KEMBLE: The conditions that you've pointed us to the offshore examples, is there any that are comparable? You talk about something located in Australia which is a totally different marine environment than what we have here.

SOUTH TARANAKI UNDERWATER CLUB: Correct, but what we liked about it was number one, how robust it was and how they realised that dredging has an impact through the settlement plume on ecologically sensitive areas such as reefs. In their case, it might be coral, but comparably wise, it might be sponges for us or algae. Also, it's a very methodical way of saying what are the at risk areas we need to monitor, and what we really liked about it was the timescales as well. Different species, the algae might have particular seasonal periods where they're more susceptible to sediment.

Also, I suppose the point is it had scientific research on the impact of sediment on organisms. Now for a long while, I think they've pushed $9 million of industry money into it and 9 million of government funding into it. That's why we're holding up is if Australia can do it as a means of protecting their biodiversity on reefs, the algae, the corals, that should at least be the minimum standard for a project that is infinitely



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bigger annually in terms of tonnage, but this goes on for much longer, so that should be a bare minimum.

G KEMBLE: Okay, thank you.

L LOVELL: Thank you for putting that all together. I feel I can't do it justice at the moment. Asking you a small question doesn't do justice to the complexity, so I really really appreciate the fact that I don't have any specific technical questions. It doesn't in any way diminish the information and there may be RFIs coming.

I've got lone question in terms of the visibility and you did make a comment clearly we take video footage when conditions are good for taking video footage.

SOUTH TARANAKI UNDERWATER CLUB: Actually, we do have. We can share with the panel too if you're interested those less visibility days.

L LOVELL: More the question around to what extent do you rely on visibility when you go diving. It's clearly a direct dive, you don't have structures to dive [inaudible 2:37:13]. You did mention already that it's difficult to access the site in terms of the bar, so if there were changes in visibility, to what extent would that potentially diminish your ability to dive and utilise those reefs for recreation?

B BOYD: Well, it would diminish our ability to dive because we do have some low visibility days, and if those low visibility days were to be worse because of suspended sediment, it's probably more important what that would be doing to the benthic first, I think rather than our diving. That's more important.

L LOVELL: Yeah, I understand that. I'm just trying to understand each component individually. This is not an indication that it's more important than the other. Your other points are very, very well made. It's just trying to understand whether there also is a concern from your situation.

SOUTH TARANAKI UNDERWATER CLUB: Yeah, so again, I'll just point you back to the 70 less high visibility days under the current modelling and what we've outlined is if it was



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remodelled or if we went back to the first hearing's plume model, that would be even more less high visibility days. I think that's right, our passion is for the ecosystem that's out there rather than, dear me, I can't dive.

K TOOGOOD: All right, I have no further questions, but I want to thank you for the thoroughness with which you've approached this task. It's very dense. It's full of information and it's obvious to us that you have put an enormous amount of work into this. We are very grateful, so thank you. I'm sure there were others who contributed, so if you could pass on to them our thanks as well.

SOUTH TARANAKI UNDERWATER CLUB: It was the club who did the report only.

K TOOGOOD: Yeah, understood. Thank you very much.

All right, next we have Te Rūnanga o Ngāti Mutunga.

[no dialogue/background administrative chat 2:40:00 – 2:40:50]

K TOOGOOD: Tēnā koe, Mitchell. We're looking forward to hearing from you. Please begin.

M RITAI: Tēnā koutou. Tēnā koutou. Ka tīmata ki konei, ko Taranaki, ko Pouākai ko Kaipake, kei konei hekenga mai ai te tangata. Ko rātou tō mātou okiokinga mātou anō rā. Ko rātou okiokinga. He toka ahua i taka mai i te maunga. Ara, he uru tēnei o ngā waka e toru huri noa i te maunga, Maunga Tikohia me nga iwi anō rā. Ara, he uri tēnei o Ngāti Mutunga, o Te Ātiawa, o Taranaki, o Ngā Ruahine, o Ngāti Ruanui. E mihi kau atu ki a koutou e te tī.

My name's Mitchell Ritai. The whakataukī that I started off with talks about our connection to maunga and our connection to place. We refer to te Kāhui Tupua as Rua-Taranaki, Rua-tipua, Rua-takoto. They are our resting place just as we are their resting place, and us as descendants, rocks who descend from our maunga. I relate to the three waka here in Taranaki, to Tokomaru, to Kurahaupō and Aotea, and also to specific iwi, being Ngāti Mutunga, Te Ātiawa, Taranaki, Ngā



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Ruahine and Ngāti Ruanui. Ko Mitchell Ritai ahau. So my name's Mitchell Ritai. I'm the Pouwhakahaere or CEO of Te Rūnanga o Ngāti Mutunga.

K TOOGOOD: Kia ora.

M RITAI: Firstly, I would like to note that I'm not an environmental planner nor a policy analyst; however, I'll attempt to answer any questions after my kōrero that you may pose to the best of my ability. Also, I don't anticipate utilising the entire 30 minutes allocated. I've got a bit of a kōrero that I'll go through, but then after that, I'll provide a bit more of a context in terms of Ngāti Mutunga, and some of the matters that are happening in our particular rohe.

So, Te Rūnanga o Ngāti Mutunga is the mandated post-settlement governance entity or PSGE for Ngāti Mutunga iwi in Taranaki. Negotiations to settle historical breaches of the Treaty of Waitangi began in 1997 with the Heads of Agreement signed between the Crown and Ngāti Mutunga in 1999.

To be clear, the rohe is Ngāti Mutunga is in North Taranaki. The proposed activities will not be undertaken anywhere close to our coastline; however, our participation in this expert panel process is based on two fundamental principles. Firstly, Te Rūnanga o Ngāti Mutunga reaffirms its support of Te Rūnanga o Ngāti Ruanui, te Kāhui o Rauru and te Korowai o Ngāruahine in their opposition to the proposed project. This was communicated by the eight iwi, the eight PSGEs of the Taranaki region in May this year with a collective public statement. Secondly, we are concerned that should this Application be successful, it would open the way for further seabed mining activities along the entire west coast of the North Island.

My address will focus on three key points, the first being the Fast Track Approval Act 2024. The second, Ngāti Mutunga iwi environmental management plan, and thirdly, the Application. The Fast Track Approvals Act was opposed by Te Rūnanga o Ngāti Mutunga who put forward a submission to that effect. Our opposition was due to its framing of environmentally destructive activities as infrastructure and development projects. The Act also bypasses jurisprudence or body of



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legal precedent, which has been established under the Resource Management Act over the last 35 years. It is important to note that much of this jurisprudence is due to the impacts of Treaty of Waitangi settlements, which have incurred over the same period. We see the Fast Track Approvals Act as retrospective legislation designed to override the power of the courts to interpret legislation in clear violation of the government's obligation to maintain the separation of powers of legislator, the executive and the judiciary.

Secondly, part two of the Ngāti Mutunga iwi environmental management plan states that Ngāti Mutunga considers the coastal environment to include the coastal marine area as defined in the Resource Management Act in 1991, the exclusive economic zone, the continental shelf and landward features that are normally within 1km of mean high water springs. The plan refers directly to coastal mining and extraction activities, and opposes them where any adverse environmental effects are likely to occur.

For Ngāti Mutunga, policies for these include requiring that the highest environmental standards are applied to any consent application for the activity, opposing the issuing of any prospecting permits and the establishment of commercial mining or extraction activities and promoting a precautionary approach toward all proposals for mining or resource extraction in the coastal area.

Climate change impacts are also addressed at length within the plan. Issues in particular that are identified are adverse impacts of climate change on mahingakai, particularly seafood, the lack of understanding of how climate change policies may affect Māori, including by increasing existing disparities for Māori and a lack of Māori worldview and science relating to climate change. The Ngāti Mutunga iwi environmental management plan can be easily found on our website, and if you'd like a copy, I'm happy to e-mail through a link.

The third point is the Application. It is clear that the supporting technical and scientific reports for the Application do not include a Māori worldview. The presence of an independent cultural values assessment and supplementary evidence of a Māori employee is



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considered offensive and an attempt to appropriate the mana Moana status of those iwi and hapu connected to the project area. We found the methodologies used in many of the environmental reports to be poor. As a result, the findings led to more uncertainty rather than any real clarity.

Cost benefit analysis for the project has used an economic impact assessment. The limitations of these assessments are well known, with issues centring on the focus on GDP, while ignoring other factors like environmental sustainability, quality of life and social equity. Economic impact assessments are often used to justify projects where there is no integration with other impact studies such as social or environmental assessments, which are really important for Māori.

Therefore, in conclusion, we acknowledge the considerable time and effort the expert panel has invested in engaging with a wider range of stakeholders. Te Runanga o Ngāti Mutunga opposes this Application due to its reliance on minimising potential environmental impacts and exaggerating the proposed regional or national benefits. We recognise the complexity of the decision before the panel and urge a clear and balanced assessment of whether the claimed benefits genuinely outweigh the significant and uncertain environmental risks.

In terms of a Ngāti Mutunga perspective, our boundary is north of New Plymouth, and takes into account areas such as Onaero and Urenui through to Wai-iti. That's our coastal boundary. We do quite a lot of work in the environmental space, predominantly on land. We've been doing a lot of pest control, a lot of weed control, looking after our wahi tapua in particular. In our water space, we've been doing quite a significant amount of monitoring. For us as an iwi, we recognise that we needed to have a particular model of monitoring that took into account Mātauranga Māori specifically, and we were able to utilise these findings in a recent court case, a court case that’s been going for a long time actually in relation to the pollution of one of our rivers. That court case has been about the ongoing pollution, but also us putting in place a rāhui on that river.



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We have two active rāhui on our rohe for two specific purposes or different purposes. One is because we're seeing pollution come from a worm farm vermiculture activity. Second, through a participatory science project with our local school, we identified that there was leaching from septic tanks into our river. That led us to put in place a rahui and to work with the local council and the health board to put in place some measures. One of the solutions, and it's the only solution at this stage because we've done as much as we can, is to work with our local council around wastewater treatment plant. Those are two active rāhui that we have in our rohe.

In particular, the monitoring programme that we're using is called the Mauri Compass Monitoring. For Mauri compass, we utilise a certain number of indicators from a te ao Māori perspective that helps us understand the health and quality of our water. We're now starting to extend that out into the ocean to get a better understanding around what impacts that there are on any of the activities both inland and offshore, what activities are impacting upon our coastline. That's just a recent piece of work, but it does provide a bit of an overview and perspective around some of the work that Ngāti Mutunga is doing. I thought it would just be useful just to provide that little bit of context in terms of our connection to our environment and some of the things that we're doing from a kaitiakitanga perspective.

For us as an iwi, we see our role as rangatiratanga, as an inherent authority as well as the ability for us to demonstrate our ability to be who we are from the places that are important to us. One of the ways that we try and identify that is through our kaitiakitanga relationship and also we see mauri as a real key indicator, which is why this tool has been quite useful for us, the Mauri Compass Tool, to understand whether there has been any impacts on the mauri of our water, the mauri of our land, and now ideally moving that out into the moana. Again, just to provide a bit more of a context.

K TOOGOOD: Kia ora. All right, questions.



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G KEMBLE: Yeah, I've got one. Just on the Mauri Compass, is that something that you've established or is that a model that is available and being used elsewhere?

M RITAI: It was a model that was developed on the East Coast in Gisborne really. That's because there was liquids from a mortuary there that were being put into the rivers, so we utilised that particular model and tailored it specifically for our environment. We use different indicators, but in particular there's nine key indicators that we focus on. That's wairua, mahingakai, which is important to all of us, habitat quality, water quality, catchment, connectivity, kaitiakitanga, mauri of place, vulnerability to impact and restoration potential. We found it to be really useful to provide some … it provides a meeting point between Mātauranga Māori and western science.

G KEMBLE: Is there anything published?

M RITAI: Yes, there is, so we've published reports, and we've had to as part of our court case.

G KEMBLE: Thank you.

H GILES: Kia ora, and thank you for your presentation. It was very helpful in terms of things, and you probably took all the questions I was going to ask anyway. But, you refer to a court case, has a decision been made on the matter?

M RITAI: There was a decision made in the Environmental Court. That was appealed and was heard recently in the Appeals Court. Now we're just waiting for the decision.

H GILES: Can we get the earlier decision if that's possible?

M RITAI: Yeah, happy to e-mail that through.

H GILES: Thank you.

M RITAI: I just need an e-mail address if someone can provide me with that information.



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K TOOGOOD: If you talk to Elliott, Mitchell, if you would not mind and then he get the information to us. Well, a case reference would be sufficient. We should be able to find it ourselves, so if you can give Elliott the case reference, then we'll check it out. Thank you.

Are there any other questions from the panel?

G KEMBLE: No.

K TOOGOOD: No, thank you. That presentation was very clear and succinct, and we're grateful to you for it. Appreciate it. Thank you.

M RITAI: And just to finish off, just to wrap up the kōrero with a waiata or a pao really.

Ko te ringa nū, ko pouākai tonu, ko Taranaki maunga ārai tonga e i.

Tēnā koutou.

K TOOGOOD: Tēnā koe. All right.

G KEMBLE: All right for time?

K TOOGOOD: Yes, we're doing well. I think what we'll do is take 45 minutes for lunch and resume at 12:45, and on my list at least Te Tōpuni Kōkōrangi is the next presenter. Kia ora.

[Break for lunch]

[off topic background chat 2:55:25 – 2:57:00]

[End of Recorded Material: 2:57:00]

[Start of Recorded Material: 00:00]

[background chat 00:00 – 0:20]

L POUTU: Tēnā koutou, ko te kāhui tipua, te puna i heke mai ai te tangata. Ko te kāhui tipua, he puna koropupū, he manawa whenua hei mau ake i ngā tini mokopuna. I aku pāhake, aku rangatira, tēnā koutou katoa. Nā koutou i kā tonu ana i te ahi i raro i te taumarutanga o tātou nei maunga, e mihi ana ki a koutou. Ki a koutou, tēnā koutou. Ko Liana



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Pōtū tōku ingoa. Kei konei au hei māngai mō Tōpuni Kōkōrangi. Kei konei aku hoa, me ētahi o ngā ringaringa waewae.

Kia ora everybody. My name is Liana Poutu. I chair Te Tōpuni Kōkōrangi, a very new appointment, I must say. I have with me two of my fellow Tōpuni Kōkōrangi board members, Rex Hendry and Te Aroha Hohaia. I also have in the back our project lead from Te Papa Atawhai, who is Lisa Bevan, and we also have one of our planners here with us, Sean Zieltjes, who's in the back there. Apologies from the other members. They would very much have loved to have been here, but unfortunately the timing didn't allow them to do so.

I thought that it would be useful to the panel to just provide some context. I'm aware of minute nine that sets out a number of questions for iwi and hapu. Te Tōpuni Kōkōrangi isn't an iwi or hapu body. We're a statutory body, so I thought it might be useful just to provide some context in terms of all of the moving parts.

Te Ruruku Pūtakerongo is the Taranaki Maunga Collective Redress Deed. It's a deed of redress between the Crown and the eight iwi of Taranaki. For a bit of context, within each of the eight iwi settlements, redress for Taranaki Maunga was set aside essentially. Redress wasn't provided for in the eight individual iwi settlements on the basis that we would wait until all eight iwi had gone through the settlement process, and then they would collectively negotiate redress for Taranaki Maunga. In this sense, Te Ruruku Pūtakerongo is effectively a deed of settlement, but it's a collective deed of settlement specifically relating to Taranaki Maunga.

That deed of settlement or deed of redress was signed on the 1st of September 2023. The third reading for that legislation occurred on the 31st of January this year, so essentially the legislation Te Ture Whakatupua mō Te Kāhui Tupua enacts and enables all of the redress that's set out in Te Ruruku Pūtakerongo. It's from those two key documents, so the legislation as well as the collective redress deed that establishes Te Tōpuni Kōkōrangi as a statutory body.

We are established as a statutory body to recognise Te Kāhui Tupua, which is the legal personality for the collective of tūpuna maunga within



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the national park. The legal personality is called Te Kāhui Tupua because there are multiple tūpuna maunga within the boundaries of the national park. Te Kāhui Tupua is established as a legal personality or recognised as a legal personality. Te Tōpuni Kōkōrangi is that face and voice statutory body, charged with acting in the best interests of that legal personality.

In that context, I should have probably prefaced my comments with this, we actually haven't had our first official formal meeting as Te Tōpuni Kōkōrangi. Our appointments were confirmed on the 22nd of August this year. We've been undertaking our induction programme. Our first formal meeting is set down for next Friday, the 31st of October.

We have had an opportunity to discuss, I guess, how we might comment to the panel. I must say that it wasn't at our request that we participate necessarily. We hadn't been established when that was identified, and it was identified by Te Tōpuni Ngārahu Trust, which is the collective iwi body that's also established as a part of the maunga redress arrangements. I believe they'll be presenting tomorrow, but they identified that actually Te Kāhui Tupua should be represented or should at least have the opportunity to comment, hence the reason why the minute was then issued to seek comment from us. So, we are I guess a little bit limited in what we can say. We don't have a formal position as such on the Application. That's mainly timing because we have not been engaged in the process, and we've only recently been established. I thought that would be useful context for you all.

I think what I can say though is that Te Kāhui Tupua has legal standing, as evidenced by our being invited to participate on behalf of Te Kāhui Tupua. One thing that strikes me in terms of if we're looking at an information gap potentially for the panel in your decision-making is that I'm not aware of any assessment against Te Ruruku Pūtakerongo which is the collective redress deed. I'm not aware of any assessment against Te Ture Whakatupua mō Te Kāhui Tupua, which is the collective maunga redress legislation, and I'm also not aware of any assessment against Ngā Pou Whakatupua, which are the set of maunga values that sit in both the deed as well as the legislation. On that basis, I believe there's an information gap for the panel if you have



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not received any assessment in terms of that specifically because they're Treaty settlement related, but also for us as a body with standing for particular purposes, public hearing purposes. We certainly have not been engaged at all. Part of that reason is for timing, but also that appears to me to be a huge information gap for the panel.

K TOOGOOD: Would your organisation be in a position, Liana, to fill that gap for us or at least go some way towards filling that gap?

L POUTU: I think we would be in a position to respond. I mean, speaking frankly, I would assume that that is the Applicant's responsibility to make an assessment on the impact on that Treaty settlement legislation and the deed just as they have done for all of the eight individual iwi settlements. We would be in a position to respond to that to confirm whether we believe that assessment was accurate in terms of being able to uphold those maunga values that sit in the legislation or not. I don't believe it's necessarily our role to undertake that assessment. I think that's quite an onerous thing for us to do, and if we were having to do it for a whole heap of other applications, not just in this process but consenting applications for example, that's quite onerous.

K TOOGOOD: Thank you.

L POUTU: I'm not sure if there's anything else my fellow members wanted to say, but I really just wanted to understand if there was anything else that you needed.

K TOOGOOD: Okay, can you speak more generally, and you've done this in your comment? You will probably know that Minister Shane Jones made a (I have to be careful how I express myself) reference to the fact that we were consulting a mountain about some seabed mining that was happening 22km offshore, and in a way, tried to indicate that perhaps there couldn't be any reasonable connection between the mountain and the sea. Can you just talk a bit more about those two first bullet points that you mentioned on page two? It's not contested that the iron sands originally derived from Te Kāhui Tupua and the iron sands are inextricably connected to Te Kāhui Tupua. Can you just conceptualise that for us and say how that is relevant to what we have to consider?



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L POUTU: Yes, I'm not a scientist but I'm well aware of a large body of information that supports the fact that iron ore has come as a part of that whole volcanic kind of—

K TOOGOOD: Look, I think we can accept that. I'm not asking you to go into the science. It' s really now when someone is saying, 'We want to take the sands that would've originated in the maunga and use them for a specific purpose, what are the interests? What are the matters that impact on your organisation and your roles if you like as the guardians of the maunga from the plans to take iron sands from the sea?

L POUTU: Sure. If I can refer to … and this is in both the deed and the legislation, which is the description of Te Kāhui Tupua as the legal person, which is Te Kāhui Tupua is a living in indivisible whole, comprising Taranaki Maunga and other including tūpuna maunga, including Pouākai and Kaitaki from their peaks to and including all the surrounding lands, and incorporating all their physical and metaphysical elements. If we look at that from a te ao Māori point of view and from a Kāhui Tupua point of view, what that suggests is that our maunga have a metaphysical element to them as well. While they might not necessarily be impacted directly physically, that actually there's an impact on that metaphysical element, which is that spiritual cultural unseen connection between our maunga and themselves and everything that makes them up as well as their connection with their uri mokopuna. That description of Te Kāhui Tupua in the deed and in the legislation clearly signals that it's not just about physical impact; it's about impact on that spiritual cultural component of our maunga as beings.

K TOOGOOD: The original source.

L POUTU: The original source. If you look at removing those minerals, that content, in a metaphysical sense and physical, it's removing a part of the maunga. There has to be an impact on removing a part of a maunga or a part of a legal person. In the absence of any information or assessment about what that impact is, it's difficult to make a decision or come to a conclusion, I would suggest, that you can't rule out that there's none. You can't rule out, in the absence of information. You can't say that there's no impact. What I'm suggesting is that there is a



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gap because will you be able to say, 'I can categorically as a panel say that there is no impact on that metaphysical wellbeing of the maunga,' if you don't have that information in front of you?

K TOOGOOD: Thank you.

G KEMBLE: Nothing from me.

K TOOGOOD: Nat? Hilker?

L LOVELL: I don't actually have a question.

L POUTU: I understand.

K TOOGOOD: Yes, I think everyone is indicating that we understand your point. It's been well made. Thank you.

L POUTU: Tēnā koe tēnā koutou. That was pretty light. Thank you very much [laughter].

K TOOGOOD: We're not here to cross examine anybody, but thank you very much. I appreciate it.

All right, now there's been a switch in the programme. We'll hear now from the Environmental Defence Society.

R ENRIGHT: I just have a short handout to keep things efficient if I may.

[no dialogue/distributing handouts 15:40 – 16:00].

R ENRIGHT: Tēnā koutou katoa. Ko Rob Enright toku ingoa. I am a lawyer here for Environmental Defence Society. Before starting, I just want acknowledge the mana whenua who are present today, Ngāti Ruanui, Ngā Rauru, Ngāruahine, and it's great honour to be here in your space and place. Thank you.

K TOOGOOD: Thank you, Rob.

R ENRIGHT: Kia ora. I'm not used to having these [laughter].

K TOOGOOD: Can I just ask you, is John Commissaris going to be joining you? We understood he might be coming in online.



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R ENRIGHT: We've had a few issues just with the time change, so I think we'll just box on. We don't want to hold you up.

K TOOGOOD: Okay, thank you. Thank you for that.

R ENRIGHT: Obviously, time is precious, so I've got essentially four and a half issues for you today, when I'm going to rely on the very comprehensive legal submissions prepared by Forest and Bird and also my colleague, Ms Haazen for Greenpeace KASM, dealing with the statutory purpose, cost benefit analysis, Section 85, for the meaning of solely on the basis, which is an interesting phrase.

Just briefly, Environment's bottom line have the Act to quote them, and these obviously just complement what we've already filed. As the panel will be aware, when interpreting legislation, one looks at text, purpose and context. Something that doesn't often get a lot of air time, even though it should, is the actual words used in Section 3 in terms of the purpose of the Act. As you know, to facilitate the delivery of infrastructure and develop projects with benefits regional and national, and just focusing briefly on facilitate the delivery, it sounds a lot like a procedural focus in my submission. So, I'll put forward two alternative interpretations for you.

One is that actually Section 3 is all about getting proposals in front of fast track panels as efficiently as possible. It's a procedural focus only. It doesn't give a substantive lever to applicants for approval, and as with the RMA approach in Part 6 RMA, and there are obviously equivalent provisions in the EEZ Act, the decision-making criteria is in Sections 81-85 of the Act, and of course, in this case, Schedule 10. One example of what does facilitate mean, well, it's procedural. If you have a look at Section 22(1)(B) refers to criteria for assessing referral application:

> '(i) Would facilitate the project including by enabling it to be processed in a more timely, cost effective way, then under a normal process.'

So, at least one meeting will facilitate a project is a procedural one. I just wanted to put that out there as a question of law for you to consider.



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K TOOGOOD: You say that it's limited to a procedure or providing a procedural vehicle, with the use of the term facilitate or does it have a wider context?

R ENRIGHT: Yes, I say version position (1) it's limited to a procedural position, (2) it's both. If it's both, then facilitate the delivery looks at the machinery of the app, which is all about undertaking of a one-stop shop, getting through the decision-making process in a very time effective manner. That's procedural. Substantive relates to delivery of projects with significant regional and national benefits. So, the second limb or second interpretation allows for both the procedural and substantive role. That's my paragraph five of my handout, and six.

What you can observe from Section 3 is that it's quite different to, for example, Part 2 RMA, which is purely substantive, obviously defining sustainable management including the wild statement and setting up in Section 6 matters of national importance (seven), and of course, matters for particular regard. Of course, Section 8 principles of Te Tiriti o Waitangi. It is quite a differently structured purpose statement by contrast.

K TOOGOOD: Well, one of the definitions of facilitate is to make something easier rather than just to provide a process by which something is done. The concept includes doing something more easily. So, would you say that it's not open to us to look at the statute as a whole, to say that one of Parliament's intentions, if not one of its principal intentions was to make it easier for significant projects to find their way through the plethora of rules and regulations surrounding resource management?

R ENRIGHT: Easier to get it in front of a decision-making panel. That's my first—

K TOOGOOD: Well, why would the facilitation end with arriving at the panel's door? Why does it not include the decision-making process to enable the project to be given life?

R ENRIGHT: Because as you know, Section 85 sets out mandatory and discretionary basis to refuse consent, refuse approval.

K TOOGOOD: Yes.



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R ENRIGHT: Obviously, it's not a done deal. This is not an Act which says you must grant approval and the issue is only conditions to be imposed for example.

K TOOGOOD: We must grant approval unless certain things, so the emphasis is on the granting of approval provided that certain conditions are met.

R ENRIGHT: But the proviso is all important.

K TOOGOOD: Yeah, I'm not saying we'd ignore them.

R ENRIGHT: No, no, of course.

K TOOGOOD: Do you not accept that there is a shift in emphasis towards granting the Application—

R ENRIGHT: I don't.

K TOOGOOD: —away from granting it unless there are valid objections? I mean the emphasis of the legislation, if you look at those operative sections about the context of the decision is that once we are satisfied that there is a significant regional or national benefit, we should grant the Application unless certain things prevent us from doing that.

R ENRIGHT: My submission is, no, I don't agree respectfully. There's no default you must grant. Of course, I acknowledge that you do have to give greatest weight to the purpose of the Act in Schedule 10 for the purpose of an EEZ application, but that doesn't obviously isn't predetermined of an outcome. The Parliament has enacted the Fast Track Approvals Act, which is as it was described in Hansard, a one-stop shop as I'm sure you know, but again it doesn't deliver the outcome in my submission. Again, Parliament elected to include thresholds in Section 85 as you know, which you have to grapple with.

K TOOGOOD: Yeah.

R ENRIGHT: They're not the most happily worded, so my starting position is no default that you must grant unless; however, I do acknowledge as you know one can argue in the alternative. If you decide that you prefer that interpretation of the Act, then I suppose it's helpful to say although



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you've got a discretion to decline under Section 85(3) on essentially the proportionality test, my submission is that, yes, it's discretionary but it's very much a residual discretion. It's most unlikely you would approve if you find that the adverse effects are out of proportion to the benefits. It's most unlikely that you would approve, and I call that a residual discretion, which you'll be familiar with in terms of case law, etc.

We just want to put those points in front of you because I appreciate everyone acknowledges purpose gets greatest weight, but one has to unpick obviously the actual language used in Section 3. I've put forward an alternative view for you. That's my first section.

The next section, cost benefit analysis, you've probably already heard a lot about this, but probably the key point EDS makes here is you must apply a net approach, not a gross approach. It doesn't make sense to identify a gross benefit only. Benefits must be weighed against actual or likely detriments where these can be quantified under the cost benefit analysis. That's my para 10. Benefits should be net of detriment.

Just to reflect on the language used again in the Act, I think a point that Ms Haazen raised is that the definition benefit isn't defined in the FTA, so one has to go to the RMA for a definition. Cost benefit analysis requires an assessment of both monetary and non-monetary impacts, so in terms of the key point that counsel for TTR have made in response to EDS' submission on this is you can't double count. So, if you're going to do a net benefit analysis in terms of what are the national and regional benefits, then you can't count twice the adverse impacts. I accept that. It must be right, you can't do it twice, but there are some adverse impacts that won't be able to be assessed as part of a cost benefit analysis. So, once you've done your net cost benefit analysis, you then go through the Section 85(3) threshold and contrast the net benefit with adverse impacts that cannot be the subject of a cost benefit analysis. Obviously, in that category, include intrinsic values, obviously much of the mana whenua evidence in terms of tikanga and many of the non-monetary values and relationships to do



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with biodiversity and natural character. My para 13 of my handout deals with that.

The other point to make just as a matter of statutory mechanics is that Section 22(2A)(iv) of the FDA Act is particular around economic benefits specifically referred to as distinct from Section 85 and indeed Section 3, which both refer just to benefits. There's a deliberate classification of the nature of the benefit in Section 22. By contrast, it's wider in Section 85(3), so it can be a wider suite of benefits.

The other point here is that any submissions that is mandatory under the Act to do a cost benefit analysis and to reach a net benefit for the purposes of Section 85, but where it becomes evaluative for the panel is where economists disagree on the methodology to reach a cost benefit analysis, and that is essentially an evaluative question for the panel to decide whose method do we prefer. But the starting point is that it is mandatory to do a cost benefit analysis, and here we rely on Forest and Bird's economic evidence from … I think it's Professor Glenn Sims, who has pointed out that the evidence you have in front of you is not a cost benefit analysis, it's an economic impact analysis. It hasn't done that netting approach that you require. My para 17 just makes that point about if it had come down to just a question of whose method is better, but all experts had looked at cost benefit, then that would simply be a matter for the panel to decide which of the evidence is preferred, but here it is a different case where the Applicant hasn't done that exercise.

I've given you one case reference which is the Coromandel Watchdog Minister of Finance decision, and it's referred to my para 18 and in my para 31. Now that was just for clarity of judicial review. It relates to an entirely different framework. It's to do with a decision by the relevant ministers on an overseas investment proposal. I don't say there's any similarity of the statutory framework, but simply, Justice Clark in that decision made the point that where you have a highly detailed list of matters to be considered when assessing what is the benefit, that can be contrasted with the situation here where there isn't a list in the Act or indeed regulations. So, there's no constraint on your ability to have regard to it being a netting exercise. Justice Clark, in that decision, said



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it was not a net benefit approach for the purpose of the overseas investment legislation, but here you don't have that constraint of regulations essentially setting out the matters a decision-maker should have regard to excluding net benefit. Anyway, the decision and my respectful submission is relevant and useful to look at even though again it's on a different statutory framework.

In my para 21, it's been pointed out by counsel that where a term is not defined in the FTA Act, it adopts the definition used in the RMA, so I didn't give you that definition from the RMA. I'll just bring it up now. So, the RMA refers to benefits and costs in Section 2. It just says, 'Include benefits and costs of any kind, whether monetary or non-monetary'. That may or may not be of any assistance, but that's the RMA definition for you.

So, the next topic is this perhaps slightly unhelpfully worded Section 85(4), which refers to that you may not form the view an adverse impact meets the threshold 'solely on the basis the adverse impact is inconsistent with a provision of an Act or document'. It's obviously directed at directive legislation and directive planning instruments, such as an example, I think my friend from TTR uses this Policy 11 and the NZCPS which imposes an avoidance threshold. It's directive, and the question is does that mean that if this proposal is contrary to Policy 11 hypothetically or not hypothetically depending on the evidence, that can be determinative on its own. That seems to be right, but where my friend from TTR's argument seems to come slightly unstuck is they get into this counting exercise of saying if you've got two inconsistencies, one inconsistency or two inconsistencies or more with the policy framework, they alone are not sufficient for you to decide to decline. Our submission here, and it's at para 25 of our handout, is that where there are two or more inconsistencies with a statutory policy directive, that will likely provide a stronger basis for you to decline, subject however to evidence. It will be a relevant factor at least in any decision we make to decline.

The other point to make here is that where a proposal is contrary to directive policy, that will normally be hand in glove with evidence anyway, so you'll hear that evidence around adverse biodiversity



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effects and the corelative of that is that it'll be contrary to, for example, Policy 11 of the NZCPS as the example we'll all talking about. It's unlikely to be a situation where you are solely faced with this proposal as contrary to a directive policy provision but there's no separate evidence on the same topic is my submission.

Just finally, the environmental bottom lines topic, and here there seems to be a bit of tension between parties on whether there are environmental bottom lines in the FTA Act and our submissions have identified for you that we consider there are some bottom lines. We've relied on the proportionality threshold. There can be evidence-based thresholds of bottom lines, and the classic example would be the Davidson decision, which is a well-known Court of Appeal decision, but in the Environment Court, that related to even the death of one king shag would create a population risk. That was an example of a biophysical bottom line if you like, and directed language of course and policy insurance can set bottom lines as well.

It's still open to you to find that when you're looking at the relevant policy framework, that there are bottom lines there, but we do accept you'll still have a discretion, albeit we've described it as a residual discretion under Section 85(3), whether you decline, or on the basis of particular bottom lines, you may find lies in the evidence.

We did consider counsel for TTR in its reply submissions, and this I think is a para 102, sets out what it defines as bottom lines. It seems to be slightly too absolute in the way it set those out because the classic example of course where this jurisprudence arises is the King Salmon decision, where even in that decision, the Supreme Court, although I'd recognised there are environmental bottom lines, it introduced the exception where effects are minor and transitory as an example. So, you can have bottom lines even where there are minor exceptions to those I think is recognised in that decision.

That's just a very high level summary, but we do say it's a non-trivial issue that bottom lines often relate to incommensurable values and relationships. These may be impacts of a significant nature that are relevant or even determinative of proportionality, and I make the point



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at para 30 just relating to the residual discretion as a point of law for your consideration.

I don't know if you have any questions for me, but in para 31, I've just set out some other matters. Obviously, we have limited time here and we didn't want to exceed our time slot.

K TOOGOOD: Thank you.

R ENRIGHT: But we have adopted submissions of other parties where relevant. Thank you.

K TOOGOOD: Well, thank you, and of course you have provided us with a helpful comment, which is much more comprehensive, and we're grateful to you for that.

Nat, do you have any questions?

N HAMPSON: Maybe.

K TOOGOOD: Yeah, I thought maybe on the economics.

N HAMPSON: I am not sure if it's a question. I guess I just wanted to say thank you for EDS' position, trying to provide some guidance on your interpretation of how we deal with net benefits and cost benefit analysis, etc. I think I understand your position. Is the EDS suggesting that when you talk about using CBA (or cost benefit analysis), are you talking about a prescribed methodology or the process of netting out benefits and costs to come up with a net outcome?

R ENRIGHT: That's a very helpful question. It's really the latter because one has to rely here ultimately on the expert economists, who will have the appropriate methodology, but clearly they have to actually do the netting exercise. Otherwise, they haven't got a first base in my submission. Once they have adopted a CBA approach, then it will become a matter for the panel to decide whose method you prefer and which one in your view gives the correct answer in terms of evidence in my submission.



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N HAMPSON: I'm just mindful of examples like the Treasury CBAX tool. You also mentioned in here that maybe the CBA or the netting out costs and benefits may be focused on monetary effects or effects that can be monetised. Am I right to believe that anything that can't be monetised maybe falls into the category of impacts? Is that your approach?

R ENRIGHT: Yes, but again we take some lead from … I think it's Professor Glenn Banks (I may have misdescribed his name earlier, sorry), who has done a more holistic appraisal, but at the end of the day, there will be adverse impacts that simply cannot be quantified in economic terms. I mentioned some of those earlier intrinsic values and relationships obviously are examples. Those are the ones, if you have got to a net benefit position, that's where they must be considered under 85(3) as adverse impacts in my submission.

N HAMPSON: Yeah, we've been having a lot of conversations around these very issues, so more thinking to come. Thank you.

R ENRIGHT: Thank you.

G KEMBLE: Can you just walk me through the difference between an effect and an impact?

R ENRIGHT: Yes, it's an important question. As I'm sure you know, Section 3 RMA has quite a comprehensive definition of effects. In this Act, Parliament deliberately decided not to use that terminology even though it's extremely well understood in terms of case law. In our view, impact has a wider definition than effects as used in Section 3 RMA. If you reflect on Section 85(5), the definition there is very wide. It refers to simply any matter considered by the panel in complying with Section 81. That weighs against the grant of approval, so it's actually very wide ranging and would certainly include but not be limited to effects as defined by the RMA in my submission.

G KEMBLE: Okay, when I look at the term environment in the RMA and then I look to apply effects to it, it's pretty much all encompassing. So, the struggle that I'm having is what is different. You say effectively effects is a subset of impacts. It may be quite a large subset. What is something



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that if we were hearing this under the RMA that we wouldn't be able to consider which we are now able to consider?

R ENRIGHT: The example which comes to mind would be … and again this draws on RMA case law but say precedent effect is not an environmental effect, but it's sometimes considered in the context of resource consent applications. That's where the integrity of the district plan might be in question for a consent application for example. What you have here is adverse impacts are not limited to environmental effects. They include policy directions, so you're able to … again although you've got to deal with what does Subsection 4 mean, adverse impact includes policy directives as well as environmental effects in my submission. That's probably perhaps the key difference.

G KEMBLE: Okay, sorry I keep on taking it back. The policy directives as we've discussed represent a bottom line. I understood and maybe it's a very simplistic understanding, the Applicant's responses, inconsistency is not an issue that we can decline on. It's specifically regulated as being a matter that we can't decline on, so it's effectively ruling out that King Salmon case law, but policy initiatives, we still have to have regard to them as we would have to have regard to them in terms of an RMA context, but we can't look at something as directive and say, 'Well, that's a reason in of itself, that inconsistency is a reason of itself to decline'. I'm still struggling to understand the difference between an effect and an impact.

R ENRIGHT: It's a reasonable question. There are a number of interesting definitional questions for this legislation, but if you look back to Section 85(4), again the words, 'May not form the view that the proportionately threshold is met', solely on the basis of inconsistency with policy. Clearly, it could be one of several reasons, but not the sole reason in my submission. Again, hypothetically, if you decided the proposal wasn't consistent with NZCPS, plus it has significant biophysical effects and these outweigh the economic benefits, then one of your reasons could certainly be inconsistency with that policy instrument, just not the sole reason.

G KEMBLE: Okay, thank you. I understand that.



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R ENRIGHT: Just the one nuance there is the more policy instruments it's inconsistent with in logic terms, probably the more likely that one should consider to decline. Anyway, that would be a matter of you on the evidence.

G KEMBLE: Thank you. No more questions.

K TOOGOOD: Thank you. That's very helpful and very succinct.

R ENRIGHT: Thank you, and we're grateful for the option. Thank you.

K TOOGOOD: No, that's fine. Next, I think Mr Newell—

[no dialogue 45:45 – 45:55].

K TOOGOOD: —and an army of [inaudible 45:57][laughter]. Mr Newell in about 14 different iterations.

G KEMBLE: Where are we talking about now?

K TOOGOOD: Wanganui and Manawatū Sea Fishing and Boating Club.

[background chat 46:20 – 47:17].

J NEWELL: Welcome all. I'm Jamie Newell you from Commodore of the Wanganui-Manawatū Sea Fishing Club. I'm represented with a few of us here. Melissa Churchouse is from the Pātea Districts Committee as well, as well as Peter Robbins and the Commodore Dave Kelson. And then we also have Dave Higgins and one of our life members from Wanganui, Paul Laugesen.

K TOOGOOD: Thank you, and greetings all.

J NEWELL: We'll go through. We've made a little presentation. Sorry, we have been a bit time restrained with this as we all work full-time jobs and run a few businesses between us all.

Our clubs, the Pātea Districts Boating Club was founded in 1965. This club focuses on boating, safety, fostering a strong community and hosting annual fishing competitions. The Wanganui-Manawatū Sea Fishing Club was established in 1972. This club organises major fishing events and collaborates with the coastal marine infrastructure



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projects in Wanganui. We are a key stakeholder, with existing interests in the South Taranaki Bight since from at least when these clubs were formally founded and even the years before that.

South Taranaki Bight, a lifelong bond with deep intergenerational connections to the South Taranaki Bight, a food source, a foundation for social connections, identity and recreational enjoyment. Recreational activities include fishing, shore, boat, inshore, offshore and competitions, scuba diving, boating, fishing, beach use and informal environmental monitoring. Local knowledge built through decades of time on the water, making observations, reading the tides currents and weather, detecting changes in the water clarity, temperature, marine life and identifying the spawning grounds and the feeding habits.

Our values are stewardship and sustainability. We are protecting the sensitive habitats and fostering sustainable fishing practises to care for our environment. We understand the local marine ecology, and encourage education and awareness within our clubs. The responsibility and ethics, we practise safe boating and ethical fishing and environmental education through the club events to ensure the responsibility of enjoyment on our waters.

Connection and Wellbeing

Our values are strengthened with community bonds and enhanced wellbeing, recognising the health benefits of the time spent on our water.

M CHURCHOUSE: We thought we'd take a slide on why the South Taranaki Bight is unique. It's got exceptional fishing and diving, a rich habitat and reef systems that support high biodiversity. Its accessible waters, shallow shelf allows for safe use by small vessels and recreational users. There's challenging marine conditions that require skill and care. We have natural protection, so our rough seas and this consistent westerly wind at the moment is helping preserve our sensitive habitats.



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Overall, we have higher productivity. Our catch rates are vast. We have diverse species and some of the best fishing in the world. I don't know if anyone else wants to elaborate on that.

P ROBINS: I'm Peter Robbins. I've been operating a charter boat here for over 20 years, and I've fished that area and the fish is everywhere. Probably a month ago, I had a commercial guy come down, and he trawled that area. There's a lot of scallop life out there – scallops, trevally. The fish is just incredible. I have got evidence of trawl lines and everything.

M CHURCHOUSE: We've got strong infrastructure, we've got good wide ramps and community facilities, and they support our active marine use. Recreational fishing has been overlooked in this Application. There's been no engagement with our recreational fishing communities and user groups, especially the two clubs that are sitting here before you. This is despite decades of active use and local expertise. Their monitoring plans lack credibility. They've been developed without any input from our effective users and they raised concerns about trust, relevance and privacy. Our local knowledge has been ignored. We have critical insights into our marine conditions, identify habitats and species' behaviour. Integrity is undermined. It's without genuine engagement. The Applicant cannot critically assess our recreational impacts. TTR have said there's been no evidence of recreational economic value. You can't say there's no evidence if the evidence has not been sourced or assessed.

The Applicant claims that most recreational fishing occurs within 20km offshore, that the offshore activity beyond 20km is acknowledged but considered infrequent and effects on recreational are assessed as less than minor. We disagree. The assessment is outdated. It's over 10 years old. It's based on limited data and minimal recreational input. It fails to reflect actual current use. There's no boat counts, there's no POB counts, no catch effort. There's no growth in offshore fishery. It fails to look at advances in technology.

J NEWELL: Yeah, in the last 10 years obviously technology in the boating industry has advanced and enhanced. We have more fishing outboards, we have bigger boats, we've got better fish finders and we've got better



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ways of fishing with new rods and different lure technology. Everyone is able to stretch a lot further out, so having a more recent just to catch up with the times, things are advancing a lot faster, and every year we're seeing different and more improvements coming into the industry, especially when New Zealand leads the way in some of the boat technology and the smaller aluminium boat sectors. A lot of our manufacturers are sending boats throughout the world just cos we're so far advanced than some of the other countries,

M CHURCHOUSE: It fails to consider the evolving recreational patterns over the proposed consent conditions. It's 10 years old. It was looked at from data before that and we are now in 2025 and potentially a consent duration of 20 years. The recreational fishing industry is not a static industry. It grows, it changes.

I can tell you right now that all of us sitting here have fished beyond 20km, and it's not an infrequent use. We have a Coast Guard vessel that has just been commissioned for capabilities over 12 nautical miles. It confirms that there's recreational activity to basically build a boat to suit that purpose. Kia ora.

Do you want to elaborate on some of the fishing?

J NEWELL: Do you want to?

P ROBINS: Yeah, no, we regularly fish on the outer reef area. Some of the best fishing occurs out there. The best tarakihi are all caught out there through fishing comps. There's been no study on the reef out further. It's all been in close, and with the predominant currents running down the coast, we expect that to be heading out to those outer reefs. If that plume heads out there, it's going to damage the reef.

J NEWELL: We are local fishermen and divers. Do you want to test our knowledge? We know our fishing grounds, we know where to go. We know when to go, what species to target and how. Our members have decades of experience reading the seas, making decisions based real life conditions, not models or limited data sets. We know our habitats, reefs, seabed contours, nursery areas that do not appear on any



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scientific maps. These areas have been ground truthed by local divers, not inferred from remote data.

M CHURCHOUSE: Do you have an example of that?

J NEWELL: Yeah, as you may have seen one of the crayfish on there, that there is some bomb. In terms of mainland crayfish diving in New Zealand, we have the best crayfish fisheries in mainland New Zealand. The only place in New Zealand that will compete with us is the Chatham Islands.

That there is a 4.7kg red lobster. That is caught on a reef that is not on any of the data sets that has been presented by TTR, NIWA or MPI. These reefs, there is a lot more out there. We talk about the traps being an area for the crayfish. That is only a very small area where the crayfish live. They migrate in there for the spawning and shelling season and then move back out into the majority living grounds, which are all the flat reefs and smaller reefs from the outer reefs right in up against the seabed mining area back into Project Reef, the crack and Rylands right through to Wanganui. There's a whole lot of scattered reef the whole way along, so when we talk about the traps and the inshore reefs, that's only one small section of where the habitat for these migrational crayfish live, and then they obviously also spawn through here. At the moment, they'll be just coming out of the berry season, so the females will be about to drop all their eggs into the water column and then they get sucked up into the currents and move around the area as they start to form.

There's a lot more out there that than what people even know, and we've had phone calls from multiple organisations over this last few months about trying to collect data because it's just not been tested and looked into.

M CHURCHOUSE: I guess a key take home is that we know that fine scale knowledge that is perhaps not portrayed in data to date. It's built on lived experience passed down throughout our generations and refined by thousands of hours on the water. We've just included in that, we've included this in our submission and it's just a general map outlining some areas and how we term those place names. That's when we do crossover the bar. We go fishing, we ring up Coast Guard and say, 'Hey, we're out. We're



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Wanganui wide or the traps or Rylands. That's just a map. I don't know if anyone wants to speak to areas on the map in particular.

J NEWELL: Nah.

M CHURCHOUSE: Fish Species - Impacts

Seabed mining poses impacts to fish species, seabird disturbance, damages, feeding and spawning. Sediment plumes reduce visibility. Noise [inaudible 59:37], light, loss of nursery areas, juvenile entrainment, recreational fish. Impacts could be reduced catch success, increased effort to our catch fish just based on valued grounds, loss of seasonal and cultural fishing opportunities. These impacts are real, measurable and unacceptable, and we don't believe they can be set aside.

We put this photo up.

J NEWELL: This here is a picture of two southern bluefin tuna. Back in 2009, the estimated biomass of the southern bluefin tuna in the world was down to 3%. Since then, with a global effort, they have got the fisheries, what was measured back in 2022, to 23%. It's a massive success story of southern bluefin tuna throughout the world. In 2022, we also seen the return of the southern bluefin tuna into the South Taranaki Bight. These came right through to Kapiti, and were caught the whole coastline.

In the recent years following that, they have been seen out and caught out around the back of the rolling grounds, which is the area that seabed mining or TTR are looking at mining and in the back of the oil rig. Nothing in any of the monitoring or scientific data has pointed out what correlation that this mining could effect on the southern bluefin tuna as they are such new fishes coming back due to the biomass finally getting back up to where it should be. They still have a lot to go but it is cool to see such a success story on a world global stage for the fisheries like the southern bluefin tuna.

M CHURCHOUSE: Sediment spawn. You might want to speak to this next one too.

J NEWELL: BC08, which is our blue cod fisheries area. There's obviously been a lot of data around this in the last month or so and even probably the



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years following it. It is a small, shared fisheries that has had a lot of pressure over the last probably 20 or 30 years. We've had a massive decline in the amount of cod getting caught. Yes, the seabed mining area is only a small area of that, but it does hold the majority of our biomass of blue cod fisheries. The outer reefs, the Pātea Banks and up into the Rylands is a key area for that fishery. That is what we've seen at a recreational level, and as Shane Jones has said, they don't have any good data at MPI when they were to make informed decisions on that and they have been relying on the submissions from us as recreational fishers because we are out there seeing it.

We have taken, I think it's a 95% cut in our recreational cod catch as of the 1st of October just to try and help repair the fisheries. They are not a migrational fish, blue cod, and they live on the small reef structures out there which keep the food. If we do see seabed mining go ahead, there is a high probability that could affect the reef structure that these cod are living on and further decrease the volume of that. They are a crucial species for the South Taranaki Bight.

There is a couple of more documents to follow this that I see Shane Jones has put through as well as what we have as well.

M CHURCHOUSE: Do you want to talk about your valleys?

We also just wanted to make comment on the Foot 1996 report that looks at recreational fishing data collected in the South Taranaki Bight, and just point out that it does only use only occasional ramp surveys. I don't know how many times you guys go fishing and how often you see MPI on the boat ramp checking. It's pretty rare.

K TOOGOOD: [overspeaking].

M CHURCHOUSE: Yeah, ad hoc samples is an incomplete picture probably of what we do catch. Again, just pointing out that those are not really attributed to launch. They're only from ramps and attributed to launch sites, so not actually where we're catching the fish, so there's no real pattern. From fishing out Wanganui, we believe a lot more fish is caught out Waverly and Pātea, and we travel to where the fish are.



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J NEWELL: I can probably also add to that our two last annual competitions for Pātea and Wanganui, I've actually won the Blue Cod Fishery Prize for the biggest on both of them, and both of them have been caught within a couple of kilometres of the seabed mining area. It's a regular fishing spot that had been handed down from my father, and we've been fishing that for as long as I can remember. There is reef right in up against that area.

M CHURCHOUSE: Marine Mammals

Essentially, in this slide, we just want to point out that we're out on the water. We spend thousands of hours out on the water. We've seen all year round mammals here, orcas, whales, seals, dolphins and penguins. Yeah, I saw a penguin actually.

We've got technology today that we can record that information, and we believe it's a good way to add into monitoring and management. It hasn't really been considered by the Application.

The same goes for seabirds. We use seabirds to locate fish. Again, it's diving. It's usually a fish worker. That's how we find our fish. Seabed mining, the sediments and vessel-like behaviour and displacement of those birds, the recreational impact of that should be considered.

Again, today's technology, we can certainly help with monitoring and management. We just need engagement.

J NEWELL: I'll give an overview of that picture on the screen. Before we even knew TTR were going into the fast track process, this was in mid-January. That's actually a photo taken inside the seabed mining area. We were again trawling for marlin. This was the first year that we know of that marlin were caught inside the South Taranaki Bight. There was seven caught between here and Kapiti, and they'd come in from the Taranaki currents pushing in through. We were trawling off Pātea at this point.

M CHURCHOUSE: Out beyond the oil rig.

J NEWELL: Yeah, out beyond the oil rig. There was us and another boat that we were talking with. He had seen a marlin jumping in that area, so we went back in the afternoon. The photo probably doesn't do much justice



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for it, but there was 300-400 gannets working a huge area of scattered bait with little petrels and a few other bird species in it. There was quite a huge amount of site in there, so it's definitely showing that we are out there fishing in that area and there is fish life coming into that area and animals like marlin and the other tuna that have not been associated with any of the applications.

M CHURCHOUSE: It was trevally.

J NEWELL: Yeah, in the Application. They need to be looked at cos they are in here and they are starting, or as the biomass of that fish starts to increase, they are coming and using the original feeding grounds more and more.

M CHURCHOUSE: We were out there and we came across a 4˚ temperature break. That's why we went out there cos usually game fish are found around temperature breaks. It was 4˚ temperature break. It was still either side of the temperature break. It was like rapids, absolutely up rapids.

J NEWELL: Yeah, I could probably explain that. When we were actually seeing that, it was quite a flat day out there, and it was. Literally you could see the tampas, the Wellington cold waters pushing up with the nutrients as it's hitting the Taranaki warm waters. It was literally glassy flat, and as the water's pushing to each other, it was just rapid, broken up water and there was just thousands and thousands of trevally working in big mobs, moving around and around. The ocean was pretty much alive with activity. That's all in the area that TTR are looking at mining.

M CHURCHOUSE: Noise in the South Taranaki Bight

We go out there to fish and we enjoy the natural quiet present. It's just naturally quiet out there. The Application looks at focusing on marine memos and ignores the human impact. We understand that TTR have looked at the underwater noise impacts on us, but we also say we fish out there and we'll probably continue to fish out there. Our vessels will go to one nautical mile of the mining vessel, so what will that noise be like at that distance? Our users will be present, so just having that consideration that we don't go out there to listen to noisy mining operations.



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We wanted to add a slide about erosion and sediment reduction efforts. We're not just fishers and divers in our clubs. We're farmers, we're locals. We work in our communities and we have practised land management and restoration on catchments and farm scales and collaborated with iwi and local authorities as well. The idea that that's a reduction on potential sediment impacts on our reefs and our fishing grounds, and that the threat of offshore mining we believe undermines that catchment and local restoration activity.

We just urge for recreational recognition in those areas and potentially an economic value assessment on those efforts today.

J NEWELL: With this, not all our reefs are affected by sediment. There's definitely offshore reefs like the outer reefs and the Rylands areas that naturally do not get sediment that come out of our rivers and stirred up. A lot of these reefs, yes, they are over 25m deep, but I know for a fact the Rylands area at the end of that you get a massive kelp forest that you can jump in the water diving and you regularly get 25m+ vis. They are directly downstream of seabed mining area, and a lot of that silt will head in that direction.

That's the same as the reefs out further. I've dived what we call … so Cox's Reef, which is a couple of our founding members. They got a reef named out of them, the outer reefs. It's 42m-45m, and same thing, the only thing that restricts your vision out there is light. It doesn't matter what time of year, if you jumped in it now, you're still going to get 25m-30m of vis. That reef particular is within 20km of the seabed mining area and sitting below it, so obviously seabed mining's up on the higher point, with the [inaudible 1:11:16] pushing down into that lower area.

This is where a lot of our crayfish are holding from a lot of the year round. It would be a shame to see them covered over and a lot of them aren't very tall. You're talking a reef that's only as tall as this table. You go down there, you've only got limited time, like 6-7 minutes on the bottom. As far as you can see, there's crayfish. It's an spectacular sight to see, and the same as the Rylands area, with a huge kelp forest like you see all the butterfish scooting in amongst all the kelp popping up. It's definitely a sight to see.



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I've dived a few places around the world and I've taken people that have dived around the world, so every time, they're just blown away with what they see off our coastline. We're such a unique area with the environments we have.

M CHURCHOUSE: Our cumulative impacts cannot be ignored. We disagree with the Applicant that says that our cumulative effects can be dismissed. The Applicant claims that other human activity poses a greater risk as general, and we don't believe it's specific to the South Taranaki Bight. For example, our recreational fishing is limited by tides and weather. For example, we probably haven't fished for two months because of this westerly wind.

Mining, even though it's an area, it's moving across a large area over 20 years. It's not exactly fixed in one specific location.

Past damage from trawlers shows that recovery is not guaranteed. Who do we have? Ally.

J NEWELL: Yeah, so we had an old commercial fisherman come over and talk to us. He was fishing around the days that we had the Russian trawlers working out of Wanganui. They did a lot. Even the outer reefs outside, there was a huge amount of coral ground and they were running quite big buoys on the bottom of their trawlers and were just running them across the bottom. They have damaged huge amounts of area that have never recovered from that.

M CHURCHOUSE: [overspeaking].

J NEWELL: Yeah, also some of the stories he was telling us about them, there's obviously huge amounts of sponges on a lot of them areas. If they'd hit a big patch of them, they were cutting nets cos they'd literally fill the nets up until the brim and they couldn't pull them up. They'd just have the wires singing, and they'd have to cut them and drop them. That's all happened through the '70s and '80s. All that coral ground takes years. Well, it's decades to recover and we still haven't seen that yet.

M CHURCHOUSE: Our position is that recreational fishers are existing interest followers and not just part of the community. The Applicant has excluded us from



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proposed monitoring structures such as the technical review group. It's really inappropriate when there's been representation inclusion of the commercial fishing industry. We have local knowledge that is equal to technical expertise proven in the BCI October 2025 Food Cod Fishery Management Decision.

Key Concerns

We have currently no relationship with the Applicant and we do not agree to be engaged only an advisory capacity. We want to have more of a proactive involvement if this was to go ahead. We also believe a complaints register is reactive. It's not preventative and it will fail to prevent our values before harm occurs

J NEWELL: If this loads, we have a little video.

M CHURCHOUSE: I just wanted to include … is there sound?

J NEWELL: Yeah, so this is one of our club members. He's just done a couple of videos over the years. There's nothing specific, he just does it. There's not really much sound in it, but this is on some other reef structure that we're diving off. It's pretty impressive, the fish life that we see under the water off here.

N HAMPSON: We're not seeing it.

[overspeaking].

M CHURCHOUSE: Does anyone else have a—

D KELSEN: Yeah, I just want to. My name's Dave Kelsen. I'm a Commodore of the Pātea District Boating Club. I've been fishing off Pātea for probably 40 odd years now, and Pātea does have some of the best fishing around that I've done. I've dived all over New Zealand as well, and some of the colours, reefs and fish life under the water is just amazing off Pātea compared to some other places around New Zealand. We'd really like to keep that going if we can. My kids have just started to get into diving, so they know what it's like under there now, and I would like to see them carrying on with their kids once they grow up. I've got grandkids, so they're keen fishermen. They're only young at the moment, but they



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love coming out on the boat and catching fish. It's always good to see new people that we take out on the boat catching fish, 20lb snapper or 20kg kingfish. Even new species like the tarakihi, and for them, out in those areas is amazing. We'd like to keep it that way.

M CHURCHOUSE: Do you have any questions?

J NEWELL: Yeah, do you have any questions?

K TOOGOOD: Whereabouts is this video taken, Jamie?

J NEWELL: He hasn't actually posted where it is. I believe it is the north trap if I know where he dives. We do see they all have different ecosystems on the different reefs. From an understanding, I'd say that's more likely there.

K TOOGOOD: Okay, thank you. Have you made the electronic copy of your PowerPoint available to EPA?

J NEWELL: No, we haven't yet, but we will e-mail that through. We only just finished it probably half hour before you have to come here [laughter].

K TOOGOOD: Well, it's a very helpful summary of your very comprehensive submission, so we're very grateful, but it would be a helpful document for us to have.

J NEWELL: Yeah, no, we're happy as to pass that through.

K TOOGOOD: Thank you.

N HAMPSON: Oh, just a really random question.

K TOOGOOD: Random question from my left.

N HAMPSON: You were talking about the noise and the peace and quiet when you're out fishing, which I can relate to. I was just curious, does the oil rig give off noise? You talked about that quite a bit.

J NEWELL: No, from when I fished around it, I've never heard anything from it. I've had a couple of mates fish right up against it cos it does that. Obviously, the big structures in the water do create quite a bit of an echo around where the kingies live. They've never seen anything about that either.



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N HAMPSON: Okay, no, cool. Thanks.

K TOOGOOD: Have you got questions?

L LOVELL: Kia ora, and apologies if you've already got it in here, I was looking in your document, so of your 130 members, how many of them are charter commercial entities? Do you know?

J NEWELL: As Pātea would be just one and Wanganui would have no commercial. I don't think we actually have any commercial. We've got ex-commercial.

L LOVELL: Charters?

J NEWELL: Yeah, no charter boats in Wanganui anymore either.

L LOVELL: Okay, thank you.

H GILES: Thank you for the information you've shared with us. You clearly have an exceptional level of knowledge, and particularly your descriptions of the fishing and diving grounds are really helpful. I was wondering whether (I know you're able to) you would be willing to expand on those descriptions and potentially add some of the information that you've just described. You've commented on matters like visibility, whether you would be able to describe some of that seasonality that you observe in terms of different species, and also potentially some of the changes that you've observed both in the abundance of certain species or the ecosystems in general because the better we understand this information, including matters like seasonality, the more it can inform our decision and our thoughts around potential monitoring requirements.

M CHURCHOUSE: Would you like an answer now?

K TOOGOOD: No.

H GILES: We would follow that up in the RFIs. I just thought I'd check whether you'd be happy to share that or whether you've shared as much as you're willing to share.



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J NEWELL: Going forward, we have been working with some stuff behind the scenes. We are trying to look at a community led … we're calling it a fishing competition, but data collection right up through the summer period. We have been working with an app designer, trying to make it real easy to collect data and specifically photos of marine mammals, birds, fishing catch, the effort inside the area and outside it. All going well, hopefully as soon as we get a weather break and whether we can start this, we'd be happy to share that data with the panel and actually show the physical what's out there.

M CHURCHOUSE: Yeah, we can have a go at definitely describing in more detail those areas for you.

H GILES: Excellent, thank you. We obviously would be specific in our [inaudible 1:21:24].

M CHURCHOUSE: Yeah.

K TOOGOOD: All right, that's excellent. Thank you very much. We really appreciate your perspective. I fish in the Hauraki Gulf, and I'm as jealous as heck [laughter].

P ROBINS: We'll take you out one day [laughter].

K TOOGOOD: Thank you.

J NEWELL: Thank you much for that.

K TOOGOOD: All right, afternoon tea. We'll take time for afternoon tea now for 15 minutes, and I think next on our list is JERA Nex bp. Thank you, 15 minutes.

[Break for afternoon tea]

[background chat 1:22:05 – 1:22:29].

[End of Recorded Material: 1:22:30]

[Start of Recorded Material: 00:00]

K TOOGOOD: The next presenters are representing JERA Nex bp (Parkwind). Kia ora.



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P SPENCER: Good afternoon, kia ora. Good afternoon. Yes, my name's Peter Spencer.

ELLIOTT: [overspeaking].

K TOOGOOD: Is that better

P SPENCER: Perfect, yes. My name is Peter Spencer. I am Country Manager for JERA Nex bp in New Zealand, formerly Parkwind. I'd just like to start by acknowledging Tūpuna Maunga Taranaki and also the mana whenua iwi of Taranaki and the Hokianga, Ngāti Ruanui.

So, yeah, my name's Peter Spencer. I'm here representing JERA Next bp. JERE Nex bp is one of the world's largest offshore wind companies. Our business model is to develop, own and operate offshore wind farms. We are headquartered in London, but we have offices around the world, and we're around 700 employees.

In terms of operating assets, we have eight around the world, mostly in Europe, but we have two in Taiwan and one in Japan. We have been active in New Zealand since 2022 under Parkwind. Parkwind became a part of JERA Nex bp only a few months ago, so until August, we were branded under Parkwind. Basically, we aspire to have one gigawatt of offshore wind operational in New Zealand by 2035.

Since 2022, our main activities, the first thing we did was to scope out the whole country for potential offshore wind sites. New Zealand was like a greenfield market, so it was get in and see where are the best sites in the country. So, identified the best sites. It was also to support the Government in creating a regulatory framework to allow offshore wind farms to be built and operated, and then we've also spent quite a bit of time trying to establish relationships with local communities, with iwi, with stakeholders.

We have a joint venture. Well, not yet, we have an MOU exclusive partnership with Meridian Energy, so if we are to build this wind farm, it would be a 50/50 joint venture between our two companies.

Thank you for the opportunity to speak today. Appreciate that. We are here in the home of actually the best offshore wind sites in the country,



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and I'll talk a little bit more about that later, but I guess what I want to get across today in the time we have is just the thrust of our submission. You've obviously got a lot of stuff to read, so I just want to be really clear on what our main points are. These come around the economics and also long-term adverse effects to seabed stability in the bight.

In terms of economics, JERA Nex bp's advice to you, the panel, is to examine closely the claimed economic benefits of the VTM project, which we consider to be significantly overstated. We recommend that the panel commission its own peer reviews to test the Applicant's reports in respect to the economic benefits. We have serious reservations as to whether the economic benefits claimed in respect of the VTM project are either regionally or nationally significant. The reasons for this are largely given by many of the reports that you have received. One of those reports is from the Taranaki Offshore Partnership, another offshore wind company, and we endorse that report.

As those have already been brought to you, I will not spend time going through that now, but we also want to urge the panel to consider the opportunity costs should approval of a mining project stop further investment in New Zealand from offshore wind developers, certainly from serious players. These costs include the foregone future electricity generation and decarbonisation, which we can all see from today's markets. Although New Zealand has a lot of potential for renewable energy, we have real trouble in actually bringing enough significant new generation to markets. That is one of the things that offshore wind offers. It offers large scale. It offers a place where you can generate a lot of power, and that has a lot of benefits if you are trying to set up future industries that are power hungry. They want to be close to the point of generation. That is one of the big opportunities we see for Taranaki in offshore wind, is the co-construction of a large generation assets in what is one of the world's best sites for offshore wind in Taranaki, where you can build these facilities which use that power.



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If Taranaki were to lose the offshore wind opportunity, it would lose a lot of potential long-term jobs, some in construction, although I think with realistic procurement strategy, that most of the long-term jobs would be in the operational phase. A lot of the big stuff for offshore wind would not be made locally, so we wouldn't claim to have that, but it's likely to come in from overseas. We see many jobs certainly in operations and maintenance of these wind farms, which last 30-35 years if not more.

In terms of what we are looking to spend should we be lucky enough to be awarded a license to develop a project in this area, we're looking to spend five billion and that's in private sector investments, and on top of that, we would spend about 100 million annually on operations. Before that would even happen, we would spend about 200 million in development.

You may think it's a big sea, why exactly offshore wind is a great thing for South Taranaki or why South Taranaki is a great thing for offshore wind. Basically, the reason for that is what you have in South Taranaki, which you don't have in many places, is you have all the key fundamentals for offshore wind all in the same spot, so it's a very unique place. The Pātea Shelf that extends offshore from here is shallow. It goes out a long way. What that means is that if you install a wind farm off there, you can get pretty cost effective foundations, the cheapest foundations that you can get for offshore wind. On top of that, you have a really good wind resource, which means that you're making a lot of electricity. That helps bring down the levelised cost of that electricity. You also have the existing supply chain here for oil and gas, which offshore wind could be a great transitional industry for these people. In terms of the wind speed, the wind speed is a huge driver in the cost of electricity, and because the wind speed is so high here, you're producing 75% more of an energy yield than you get from other sites on the North Island. When people say that it’s a big coastline, why not go somewhere else, the fact is that here you have the lowest LCOE, (the lowest levelised cost of electricity) offshore wind in the whole country. That's going to be really important in the future.



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The other things you have in this area is you have the 220KV transmission lines which run parallel to the coast. These are things that we can tap into, and you also have the deep water port in New Plymouth, which would be largely used for construction and potentially maintenance operations. That's the opportunity cost that I think you need to consider as part of your analysis.

The other thing that we want to bring is the risks we see around long-term seabed stability impacts from the mining. On that note, JERA Nex bp recommends that the panel commission its own peer review to test the Applicant's reports in regard to seabed stability, in particular the risk of flow liquefaction, which poses a significant risk to infrastructure and the use of jack up construction vessels in and around the mining sites.

For offshore wind developers like us, it's a bit hard to figure out now exactly what the impacts will be, being close to a mining site, because the reality is, around the world, there are no precedents for this. That's why it's taken us quite a bit of time to do our own assessments of what the effects would likely be, and to supplement our own internal assessments, we went to Fugro. Fugro are the world leading geotechnical offshore company. We commissioned them basically to validate our own internal findings. We asked them to do a qualitative study to determine the potential geotechnical and geomorphological effects associated with seabed mining and how they may affect development of an offshore wind farm in the area. Fugro, they are a top tier company. They've done detailed design on most of the offshore wind farms which we've built to date. Coincidentally, they also did detailed design on the Kupe platform development, so they have a very good understanding of both the ocean conditions out here and also the seabed conditions.

I'll now go just to give a bit of a key findings from the Fugro report. The key takeaway from their report is that for a long time after mining activities have ceased, offshore wind assets cannot be built in an area which has been previously mined.

K TOOGOOD: Can you explain that just a little more precisely for me, Peter?



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P SPENCER: Yes.

K TOOGOOD: The obvious question that we have is that the consent area for the mining operation is relatively small. I think 67 square kilometres or something of that order. Can you explain how whatever disturbance of the seabed there might be in that area is going to have an impact on the overall proposition of wind farming in South Taranaki Bight?

P SPENCER: In essence, the risk is that the tailings that will go down, they will remain very loose for a long time. What Fugro's analysis determined was that the tailings are not going to densify and that ambient wave conditions. That's the general wave conditions you get offshore on a general day. They won't be sufficient to densify the tailings. That means they're going to stay in a very loose state until they get agitated enough to densify. Before that happens, they will be prone to liquefaction and they will be prone to slumping, so essentially underwater landslides.

In terms of storm conditions that would be big enough to create this liquefaction. Fugro determined that a one year storm would produce big enough waves that would agitate the seabed to the state where the top 3m of the mining tailings would liquefy, so basically turn from a solid into a highly viscous fluid. That fluid, if there is any slope (which there is out there) can then flow, so move downhill just like an underwater landslide.

K TOOGOOD: So, move outside the consent area?

P SPENCER: Correct, down slope, outside of the consent area, and in the submission we make, we've included the Fugro report, which has all of their findings, but in that report it contains figures which shows areas where they see as flow paths for these debris flows. The essence here is that if we were to build an offshore wind farm adjacent to the mining area, as is proposed now, without these tailings being densified somehow, then these debris flows can come out and they could swoop into or flow into our wind farm and compromise our infrastructure. The same goes to the Kupe infrastructure.

As I said, a one year storm would be sufficient to liquefy the top 3m of the mining tailings. A 10 year storm, so a storm of magnitude that



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occurs every 10 years, would be enough to liquefy the full depth of the tailings. There, you're looking at a 10m depth that can liquefy and flow down slope. On top of that, seismic events could liquefy it, so if an earthquake with a 200 year TLE or a 2000 year. So, Fugro confirmed that liquefaction would be a serious risk to any infrastructure that was encountered by this flow out events, be it an offshore wind foundation, be it a cable, be it a pipeline, be it a well.

They also say it would be highly hazardous to any jack up vessels that were looking to operate on the mining site or adjacent to it. They did a review of the OCEL report, which the Applicant provided, which is around implications of loose tailings, seabed material and future jack up deployment in South Taranaki, and they found flaws and deficiencies in that report. They note that there would be significant risk and potential catastrophic consequences should a jack up vessel try to jack up on the loose tailings. That would be a jack up vessel that was inside the mining sites, and I mentioned before two things that could trigger the flow liquefaction. Number one is large waves, number two is earthquake, number three would be jack up from a jack up vessel. The jacking action itself would be enough to trigger the flow liquefaction under it. They say if that happens, then the rig would drop suddenly, and then that could result in a catastrophic failure to the rig.

The other thing they say is that because the tailings out there won't densify under ambient conditions, they will only densify in these big events, so a one year storm or more or earthquakes. What that means is it's going to stay very loose out there for a very long time. I think the Applicant has said that the seabed will recover very quickly. That's directly opposed to what Fugro conclude, and that for it to densify back down to consolidate to its somewhat current in situ state, it will take geological timeframes. For non-geologists, that's in the order of millennia. For those reasons, you couldn't build an offshore wind site on the mining area.

K TOOGOOD: Okay, so that really leads me to the follow up questions. How much of the area that you're interested in for wind farm would become unusable for you?



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P SPENCER: At the moment, we think that any site down slope of the mining operation would be at risk for these flow liquefaction events. What that means is that anything within the EEZ would be at risk from flow liquefaction run outs, these lands slips. What it means is that if we were to look at sites, we would be looking up slope from the mining site, which would basically push us closer to shore than where we otherwise would be.

K TOOGOOD: What's the disadvantage of that apart from the visual impact? Some people think wind farms are lovely out to sea. Others say they're a complete eyesore, so I make no judgment about that, but apart from the fact that you might be able to see them more clearly from land, what would be the disadvantage of being forced north and east?

P SPENCER: I mean I guess the main disadvantage for us would be around consenting risk. The closer you are to shore, there are people who don't like the look of wind farms and then they will be more opposed to a wind farm that is closer to them. It also brings us closer to some of the shallow reefs that I mentioned, things like that. I mean we would never install a wind turbine on top of a reef because you would never instal a pile on something hard. You would always install it in sand. Still, the further offshore, the lower consenting risk would be.

K TOOGOOD: Thank you.

P SPENCER: I've mentioned a lot now, the Fugro reports. I think you should definitely read that and I think you should definitely commission your own peer reviews into the effects of seabed stability.

K TOOGOOD: I have no idea how long that might take. How long would it take us, do you think, if we commissioned a report tomorrow? How long do you think it would take for that report to be available?

P SPENCER: It took us probably at least six months; however, I mean maybe it could be expediated if you explain the circumstances. The problem we had with Fugro is, at the same time, they were doing work on a lot of other projects, so they were quite busy. I mean you might not need to do something as extensive as what they have. Their report is like (I don't



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know) a 70-odd page report. Maybe you can get a sufficient peer review done to a lesser extent.

I think that's it. I've talked about the difficulty building an offshore wind farm on top of the site once it's been mined due to this stuff being loose and mobile for a long, long time. I've also talked about the flow out events which could affect adjacent areas down slope. If you want to know more, the people at Fugro, they've said they would be happy to talk to you. They are subject matter experts in this field.

I guess, in conclusion, in essence we doubt very much that the benefits able to be delivered by the VTM project are either regionally or nationally significant such as to justify ignoring the environmental effects and uncertainties the project, of which there are many other submitters talk about in great detail, or the geological effects which Fugro bring up. Moreover, approval of the project would send a very negative investment signal to other offshore wind developers, including ourselves who are potentially looking to set up in New Zealand. The thing is with these companies, they have other markets they can play in and if you take out New Zealand's best offshore wind sites or make them too risky, they will just go elsewhere and it'll be a lost opportunity.

K TOOGOOD: This is probably a legal question, but one you must have considered or taken advice on. You understand that our decision-making is very closely constrained by the provisions of the Act. Where in the Act would we be entitled to take the lost opportunity that you're talking about into account in declining the Application?

P SPENCER: I would say in the economic section, when you look up the potential benefits which this project can bring, you should also think about the lost opportunities, the opportunity cost of this going ahead, stopping other new industries setting up in this area, offshore wind and then the industries that would feed off that. You're looking at data centres, potential e-fuels, things in the future, things which are power hungry and we have a great resource for power.

K TOOGOOD: You're not permitted just to go in now and build an offshore wind farm, so you'll need consent and that will require legislation presumably?



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P SPENCER: Yeah, the Government is working on the offshore renewable energy legislation framework at the moment, which we are participating in. Our hope is that we will have a permitting regime up and running by early next year/the first half of next year. If things look good, we will then apply for a project area, and it will likely be in South Taranaki if we can, because that is where the best offshore wind sites are in the country.

N HAMPSON: We heard from TOP energy yesterday. I was just wondering are your two interests mutually exclusive? Is there room for both of you or could New Zealand sustain both of you?

P SPENCER: Yeah, I mean we actively encourage a number of horses in the race, so I think it would be a great outcome for New Zealand if we could get away two one gigawatt project options in South Taranaki with two good credible developers, which they present, and I think we also present.

N HAMPSON: Next question, how much area would a one gig gigawatt wind farm take up?

P SPENCER: Around 200 square kilometres.

K TOOGOOD: How many towers?

P SPENCER: Depends on the technology available in the future, but we'd be looking at 15 megawatt turbines, so we would be looking at something like 60-ish, but they're very far offshore. In terms of, we talked about visual impact, so the way I think about it is if you go like this with your thumb, they'll be about the size of your thumbnail on the horizon. Whilst they will be some of the biggest structures in the country, from shore, they will be very small to look at. I think that's one of the value things which offshore wind brings as opposed to onshore alternatives, is it gives you that scale, and it just brings everything a lot further from people who would not want such towers close to their homes.

N HAMPSON: Is the legislation that's being developed, or the policy statement, is that directing offshore wind into the EEZ?

P SPENCER: It's neutral on that. Basically, it's not been confirmed yet, but what we understand of it so far is that they will invite applications within South Taranaki in a band that goes from Whanganui up to the Cape. That will



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be from inshore all the way out to the edge of the EEZ, so a long way out, but for a levelised cost of energy perspective, sites from 15km out is the sweet spot, because there you're far enough from shore that you avoid the worst of the NIMBY effects, but then you're also close enough that your foundations are cost effective, which means you have lower cost of energy and you don't have big long cables, which means you minimise your energy losses in cables.

K TOOGOOD: Would you be likely to stay on the shelf? You wouldn't go out into deep water?

P SPENCER: No, the Pātea Shelf is the place that we would look to go, and that is just because from a cost of electricity standpoint, it is just so much cheaper - cheaper foundations, cheaper electricity

G KEMBLE: Opportunity Costs – you've been quite critical of cost benefit or the economic cost work that's been undertaken by the Applicant in this instance. They've got quite a well-developed proposal. How would we go about defining the opportunity cost of, say, two one gigawatt wind farms? Don't we get to spend a couple of hundred million dollars to even know what that would look like, where they would be?

P SPENCER: No, we can tell you. If you want to know, we can tell you. We could tell you quite easily now where the site areas that we're looking at, where they would be and roughly what kind of commercial investment they would be, what kind of power output they would have, what kind of levelised cost of electricity they would produce.

K TOOGOOD: Would you be able to quantify the economic benefits for the region in terms of employment, manufacturing, maintenance report, etc?

P SPENCER: Yeah, well, I would encourage you to read the report that PWC put out a couple of years ago. It talks about the opportunity. Obviously, they have quite wide ranging numbers, depending on how much offshore wind is built in the country. They also talk about some of the value created by offtake industries, so you'd have to read through that.

Our assessment is that we think the top numbers there would be more than what we think is realistic at this stage, but we think somewhere



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between what they say in the two lowest scenarios, so the electrification and the next one up, whatever that was called. We think that is quite realistic for New Zealand.

N HAMPSON: Yesterday we heard from Whanganui District Council, who indicated that they may be better placed to benefit economically from wind farm generation. You mentioned that in the likelihood New Plymouth Port is the port that would service the construction or the operation?

P SPENCER: Yeah, New Plymouth is a deep water port, so it means we can get big heavy vessels in there. If we are bringing in heavy components as part of the construction process, then Port Taranaki is the port that could receive this stuff. That said, during operations, operations can be done from smaller ports. You don't need big boats most of the time for the day-to-day maintenance and they are a port like Whanganui, potentially Pātea, if that that was upgraded and made safe and accessible. That could work too.

G KEMBLE: On a totally different issue, if I understand your commentary before, and I have read the Fugro report, I think it's referred to, the densification of the consolidation of the tailings, you say that it could take millennia. I certainly read that when it comes to within the site, so effectively if that analysis is right, you could say it's sterilising the mining site for wind farm for a very long time. Does the same timeframe apply to the down slope movement liquefication?

P SPENCER: Pass. That is probably a question that you need to ask Fugro. I mean essentially from reading the report, my understanding is that what eventually causes the tailings to consolidate is the continual liquefaction movement and then resettling of this stuff over the long period. I presume if that is the case, then you're always going to get this stuff liquefying until the point at which it's dense enough that it will no longer become mobile when it gets agitated by big waves or seismic events. I mean that's probably a question you should direct to Fugro.

G KEMBLE: Thank you.

K TOOGOOD: Can I just ask one further question before I pass this on? What, if any, benefits to you and TOP would there be in both having projects on foot



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in terms of shared resources and particularly land-based resources, cabling and that kind of thing? Are there economies of scale that would make it even more economically viable, if you like, if you were both initiating projects around the same time?

P SPENCER: Yeah, definitely. I mean we might have separate wind farm polygons or sites, but we would have a lot of shared infrastructure. We would probably have a lot of shared suppliers. We would probably share the same operations and maintenance ports.

K TOOGOOD: Yes.

P SPENCER: We would share the same transmission infrastructure onshore. We would share the same construction port, potentially New Plymouth. So, yeah, all of these things would help.

L LOVELL: Kia ora. Just on the Offshore Renewable Energy Bill, TOP yesterday said they thought it would pass and be enacted this year. Were that the case, and if you're talking to officials, when would you anticipate permits opening up?

P SPENCER: Well, I mean the timeframe the Government has currently put out is that they hope to have it legislated this year. Whether they'll manage to get that done or not is a good question. We suspect they won't, but they can do big things if they really push hard for it if there's a political will to do it. If they were to finalise the regulations or the legislation, my understanding is that there is then some secondary regulation which needs to follow on from that. That work can only be done once it's legislated, and then after that, there would probably be a notice period to industry saying that we intend to open around in a month's time or six weeks' time or two months or whatever. The idea of that is just giving other developers who are maybe internationally, probably the ones in Australia who are maybe looking to have additional projects in their portfolio, giving them the heads up so that they can then say, okay, New Zealand is going to run a tender round. We want to participate in it, let's get ready. I think realistically it's probably not before maybe March, maybe May next year, that the Government would be ready to actually open up for feasibility license applications.



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K TOOGOOD: If you see the permitting risk as being in getting the legislation through the House, once that's happened, once you have legislation enacted and the Government has signalled its intention then to move into the regulatory framework and permitting and so on, then you know that's going to happen cos the Government has—

P SPENCER: Yeah.

K TOOGOOD: At the moment, it doesn't because it only has an idea and it's drafting a Bill that it'll put before the House. The political risk, I suppose is how you see the current state of Parliament. The political risk is getting the legislation on board. I mean passed through select committee stage and so on.

P SPENCER: Yeah, I guess one of the things which is good about offshore wind is that we're lucky in that right now we have broad support for it across Parliament.

K TOOGOOD: That's what I was going to ask you.

P SPENCER: From what we've seen, what the Government has put forward, to date what we've seen makes sense. We're happy with it. Unless there's a wild deviation somewhere, then I think it'll be fit for purpose.

L LOVELL: Just to complete my question, assuming they do get it through, when would you be ready to file for a permit, ie are you thinking the day after or are you thinking six months later?

P SPENCER: No, so we'd want to see the final enacted legislation, make sure that it looks good. We would then need to see the regulations because the regulations are more detailed on what the actual tender requirements are, the things that we need to actually have as part of our paperwork for the application. And then once we've got that, we will then be able to start putting our applications together.

I mean we've got all of the basic stuff from the business case work that we've done in New Zealand to date with Meridian Energy, but depending on what the Government actually wants in terms of content for this application, we might have to do a bit more work in various sectors.



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K TOOGOOD: No questions. Very interesting, thank you. We appreciate the material that you provided. I can see just from a quick regroup, it first came to us that it's going to be very useful for our consideration. Thank you.

P SPENCER: No, you're welcome. We want you to be able to make as informed a decision as possible. That was why we were forthcoming with it.

K TOOGOOD: Well, we're grateful. Thank you. Kia ora.

[background administrative chat 38:25 – 41:00].

K TOOGOOD: Kia ora.

R HAAZEN: Kia ora. We're just waiting for our PowerPoint to come up, but I'm happy to start with the introductions while that's—

K TOOGOOD: That would be helpful. It would save a bit of time that way, thank you.

R HAAZEN: Taranaki, tēnā koe. Ngāti Ruanui, Ngāruahine, Ngā Rauru tēnā koutou. To the Chair and the panel tēnē koutou. He rōia mō KASM and Greenpeace. Ko Ruby Haazen tōku ingoa.

Good afternoon. My name's Ruby Haazen. I'm the legal counsel for KASM and Greenpeace, along with Duncan Curry. We have been representing KASM and Greenpeace on this proposal or the versions of it since 2013. I'm joined by Niamh O'Flynn, who's the campaign director for Greenpeace Aotearoa, and Phil McCabe, who is the former chair and current board member for KASM. I'll pass it to them to introduce themselves and to do a brief intro on KASM and Greenpeace's engagement in this process to date.

We have gone for the light overview approach.

K TOOGOOD: Welcomed.

R HAAZEN: Thank you. I'm going to speak briefly to the legal topics and then also to our expert evidence. We filed seven briefs of evidence which cover some of the key topics in terms of adverse effects and economics, and also we have the joint memorandum filed by a number of the Māori submitters and the NGOs that I'll speak to at the end. Hopefully, you've got a copy of that in front of you.



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Just on that note, in terms of the light overview, I'll just make a comment in terms of my friend, Mr Enright's engagement on the legal issues. We would also seek the opportunity to engage with you on those in a more comprehensive manner, but we're grateful for the time to speak with you today.

I'll just pass to Niamh.

N O'FLYNN: I was going to try and get slides. Thank you.

P MCCABE: Thank you. Kia ora tātou katoa. Phil McCabe is my name. I'm a current committee member of KASM (Kiwis Against Seabed Mining), and I was chairperson between 2012. Through that period, that was the period where three EPA applications were processed, two by TTR and one by Chatham Rock Phosphate. I was deeply engaged in that process, and similar to this process, KASM provided multiple packages of expert evidence critiquing the applications.

Briefly, I just want to express who KASM is and where we've come from. I'm from Whangaroa Raglan, and in 2005, shortly after the Foreshore and Seabed Act was enacted, one of the first, if not the first prospecting permit was directly off our coast. Mana whenua there called for a community meeting and from that sprung a community response which was Kiwis Against Seabed Mining. That was 20 years ago, and the opposition from regular everyday New Zealanders who have connection with the ocean was immediate. It was diverse and it's been sustained over these 20 years.

As I said, the applications through 2013 and 2017, the first application saw four and a half thousand submissions in opposition to TTR's proposal. That was three times any application that the EPA had fielded to date. The 2016 application, when Greenpeace got more actively involved in raising awareness, the application saw 13,000+ submissions, so significant and broad spectrum opposition.

What I would say today at what we see is that diversity. I've never heard the stories that the fishers shared today. I've been engaged in this process since 2012 and I've missed the last couple of days of discussion, but at no point has the opposition been as broad nor as



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strong and the stories are coming out of the woodwork because of the critical nature of the situation.

I actually meant to thank the committee, the board, for using the discretion available to you to enable us to be here in the room with you because we were incredibly concerned that we would not have that opportunity.

K TOOGOOD: Well, it's entirely our self-interest that brought us here because we genuinely want to hear from you.

P MCCABE: We bring information, sir, so thank you. That diversity is broadening and more joined up as well. I mean seeing the eight iwi of Taranaki coming out in the joint position, seeing the district councils articulating their opposition to this, the situation as I see it is Central Government imposing something that a region does not want, the people of the region do not want.

I'll just go back briefly before I wind up. In 2012, the entire coast from Whanganui all the way to Cape Reinga was under exploration permit from shoreline to 12 nautical miles. This was a coastal concern. There were big areas in the EEZs, in the [inaudible 46:56] Chatham Rises and so on. A lot of the commercial interest has passed. There are some diehards, but it's been a long journey. I guess I'll say finally it's coming at a cost. It's coming across to many people. It feels unjust that we are here again after the rounds that we've been through, and it's come at no greater cost to anyone than our hosts, Ngāti Ruanui, who are expending huge amounts of energy resource to fend off an unwanted intrusion. That resource should be spent elsewhere, perhaps toward the young people who have been coming at lunchtime and so on.

We'll just thank you again and pass on. Sorry I took a bit too long.

N O'FLYNN: No problem. Tēnā koutou. Ko Niamh O'Flynn tōku ingoa. Ko taku tūranga mahi ki Greenpeace Aotearoa ko te Programme Director. [inaudible 48:05].

Greenpeace is a campaigning organisation. We're global. We exist to fight environmental issues. We operate in 55 countries around the



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world, and we've been here in Aotearoa since the early ‘70s. For over a decade, we've been consistently engaged in seabed mining issues.

I'm here to represent the 53,000 New Zealanders who have signed the petition calling for a ban on seabed mining in Aotearoa, and not just this project but a full ban on seabed mining. We also campaigned to stop seabed mining out in the high seas, with a global petition calling for a ban on seabed mining in the high seas that's been signed by nearly five million people around the world. With so many environmental issues in the world today, as you well know, as the programme director for Greenpeace Aotearoa, I have a mandate from our global organisation to work on issues that have local relevance but global environmental significance. When I'm looking at projects and environmental issues in Aotearoa, the project that we're here discussing today is that project for me.

All of our colleagues at KASM, as Phil was saying, we have invested significant resources into commissioning and peer review and research on the impacts of seabird mining both offshore and in coastal environments and continue to engage right across the Pacific region on similar issues. I can tell you that across the Pacific region, there is similar widespread and deeply held opposition to such mining projects, driven by the concerns for the irreversible harm to nature, very similar to what you see here.

I think after many, many years of being in and out of court processes, last year when many of us were here in Hawera again to give evidence to the EPA, when after the first round TTR decided to pull out of that process and instead try their luck through the fast track, it felt like complete disregard was shown for the concerns of mana whenua, for the local communities, for the environmental experts and advocates who made their way all the way here and for the thousands of New Zealanders all around the country who can't make it to these types of hearings. We represent their voices here, so I really do sincerely thank you for giving us this opportunity. It's great. It's great to have the opportunity. So, we're back and it's Greenpeace’s view that this Application should be declined.



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R HAAZEN: Thank you. I'll now just speak to our legal submission. We make two principal submissions that the Application has not met the threshold of significant regional and national benefit, and secondly that the adverse impacts are so significant as to be out of proportion. It should be declined.

In terms of the economic analysis, we have relied on the evidence of Chris Fleming and Andrew Buckwell, who are from Griffith University, and are engaged in a couple of other seabed mining applications and well versed in the economics of these proposals. Our submission is similar, that TTR has looked at gross but not net benefit overall as an insufficient assessment and omits risks and costs and also overestimates the benefits. I think we probably go a step further than EDS in that we say that there should be a full cost benefit analysis, including looking at social and environmental risks and costs, and agree with the submission that in principle there should be double counting; however, I would say that under Section 59 of the EZ Act, you have consideration for economic costs there when you are undertaking your assessment of compliance with that EEZ criteria. In a sense, economics is also counted under the EZ framework as well as then under the fast track, so there is in our submission, no double counting.

We've also provided a statement from Jill Cooper, who has 40 years' experience in the New Zealand steel industry. She provides some comments that are very similar to the Sanofex report that you heard from Whanganui District Council yesterday around the feasibility of extraction of vanadium and the cost of that. Also, the cost of steel being speculative and higher than the current market value. She also raises issues with storage of the material on site if there is a glut and the desalination plants. If you would like to hear from her, she's also willing to appear before you.

I guess in the Griffiths report, we have asked them to look at the other economic statements that we've provided. They've given some comment on that, but are also willing to engage in expert conferencing of the economists.



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In terms of the Section 81-85 assessment criteria under the Fast Track Act, I don't think we differ too much and are out of step with other parties. We say the bottom line should be significant weight and we also agree with EDS' submission that you have a residual discretion following the proportionality assessment. I think we probably do differ in that we say where you do have that residual discretion, the existence of breach or inconsistency with bottom lines provides even more directive incentive to decline. I wouldn't say we differ although we add value.

We say that this is not best available information. This has been the state since 2017. There is no new modelling of plume. There's no baseline data for seabeds or marine mammals despite Supreme Court findings. I'd say the most recent work that has been done on marine mammals is that of Leigh Torres. Leigh Torres has been providing research and has been called by KASM and Greenpeace in 2017, the 2023 reconsideration hearings and these proceedings. There's also no further noise modelling and no further assessment of the rocky reef systems beyond the Morrison Hill report. It also is our submission that there's been plenty of time to do this work and it's not unreasonable and costly, and in fact more of the recent work on these topics have been done by the submitted parties. It has been the choice of TTR not to do that work and leave yourselves with those gaps in information.

This is essentially the same proposal, but a new application. We did suggest in submissions and in the joint memorandum that the witness statements from 2023 are helpful starting points in terms of identifying issues that could be used in expert caucusing. TTR made some responses on that, that this wasn't helpful and wasn't relevant and the experts have changed. Many of the experts are the same. For example, in the topic of seabed, it's the same two experts, one for TTR and one for KASM and Greenpeace, who were signatories to the 2023 JWS. That JWS, we have attached to Mr Cochran's statement. Similarly, with the plume, JWS, the only experts that are not here today are those that were called by the fisheries in 2023. Otherwise, it is the same experts, those from KASM and Greenpeace and those from TTR are the signatories that JWS…



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So, it does form a helpful place for those issues to be issues of disagreement and agreement to be there. We would say that in terms of if you were to carry out expert caucusing, then having experts go through those areas of disagreement and agreement, and reconfirm them or make additions, would be a relatively efficient process, wouldn't take a lot of effort and would narrow the issues of focus onto those areas.

We say the 2017 DMC decision and the Supremes Court's finding are highly relevant and persuasive, and should be given significant weight. Notably, the 2017 DMC made a number of factual findings that were not impacted by the legal errors of the Supreme Court. I think the best example is probably the findings of impacts on the rocky reef systems. This is Appendix 3 attached to the Supreme Court decision, and it was a table produced by the Māori parties in those proceedings which summarised the findings on effects. I think the key point is that the evidence hasn't changed and therefore in the absence of evidence, we would say that these findings can be given a great weight by yourselves.

Plume Modelling

We've got two experts speaking on plume modelling – Dougal Greer and John Luke. Dougal Greer has given the comprehensive response on plume modelling on behalf of KASM and Greenpeace. I guess his key point is modelling is only as good as the inputs, and in this case, we have some pretty serious concerns with the inputs.

The one not mentioned in my summary there is it was touched on by the last submitter in terms of reef suspension. That was an issue that came up for the plume modellers as well. The other matters that Dougal Greer comments on is terms of wave period. A seven second waive period has been used in the modelling of TTR. Mr Greer's position is that that's a very short wave period and very uncommon in the South Taranaki Bight. The South Taranaki Bight is a known area for surfing, and you just wouldn't be surfing seven second waves. That was my legal understanding of what his presentation gave. He said 13 second waves are your more common wave period.



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Also, the calibration or the use of the 99th percentile was excluded from the modelling. This had the effect of flattening out the curves in the model, but also doesn't address worst case.

Finally, there was only three samples taken of sedimentation within the entire proposed mining area used in the modelling, and that hasn't changed. So, his finding is that worst case is not worst case and neither the plume model or the worst case is fit for purpose.

We also picked up the EPA's identification in their report regarding salinity, that the use of desalination plants on the boat and the discharge of water from those plants will have a concentration of salinity effect in the surrounding area. That has not been modelled. Mr Greer comments on as much as it can on what that might look like, but we would just say that's another gap. We've also asked Dr Anderson, who's given evidence on benthic ecology, to comment on that, and without modelling, she also said it's difficult to say whether it stays within the mining site or if it moves beyond it very quickly. But 35 years of concentrated salinity, we say, is an issue. It represents another gap in the Application's documents.

Lastly, John Luke looked at flocculation. This is the binding of sedimentation, where they sink more quickly to the ground in terms of the plume. Without going into the detail that is above me, his general finding was that there's some uncertainty in the weight that TTR has placed on flocculation, as decreasing the overall size of the plume and that the plume remains suspended in the water column for longer.

These are two images from Dr Leigh Torres' work in the South Taranaki Bight of the blue pygmy whales. Dr Leigh Torres had started this work in NIWA when she was living in Aotearoa, but has since relocated to the States. She, however, has carried on this work since 2013 and has involved a number of research trips, taking blood samples, drone photographs, and also use of hydrophones to pick up the sound and the different callings of these whales. Her findings are that the whales are a distinct population and separate from other blue whales' population globally and that the South Taranaki Bight is their main habitat as well as along the South Island and parts the North Island,



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but that they are generally resident here all year round. It is an area for nursing and feeding.

She has looked at the vulnerability of these species to existing effects from climate driven oceanic changes, vessel strikes, existing ocean noise and then the cumulative effects of a sediment plume and the noise of the mining activity on top of that. She generally finds that these pressures pose significant risks to the long-term viability of the population within the South Taranaki Bight. The plume may disrupt krill populations, which are the whales sole food source, and there is overall insufficient information to determine the degree of effect.

Criticism from TTR is that these whales are genuinely not found directly within the mining site, although Dr Torres has observed the whales on a number of occasions within the mining site and also comments that the location of them is generally determined by the location of the krill.

She says that the sediment and noise from mining operations may cause chronic psychological stress and behavioural disturbance, potentially displacing whales from critical habitat and impairing reproduction. Overall, it could undermine the population's viability.

In her evidence, we've also attached her 2023 statement of evidence, which is probably her most substantial statement of evidence and responding to TTR's marine mammal witness. We've also attached a transcript and the joint witness statement for the marine mammals in 2023.

K TOOGOOD: Can you just help me where we find that? Is that in the material you provided with your original batch of evidence supporting the comments?

R HAAZEN: Yes, so that was filed on the 6th of October and the appendices to Dr Leigh's report are her evidence of 2023 as well as those other documents. They're all there.

K TOOGOOD: [overspeaking].

R HAAZEN: They're all there in the one document.



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On seabirds, we've called John Cochran. John Cochran has provided also a statement in 2017 and 2023 which are also similar to Dr Torres'. They are attached to his statement filed in these proceedings. John Cochran says that South Taranaki Bight is a hotspot for seabirds, that there is abundance of seabirds, because of the associated high levels of primary production and dense aggregation of zooplankton. He also refers to the South Taranaki Bight as an UCN key biodiversity area, which is identification by the Union for Conservation of Nature in partnership with other organisations, that there is uncertainty around a number of seabirds and degree of impact. He considers in particular effects to kororā (little penguins), and I've just put two images from his statement of evidence up here. That is a tracking of kororā, feeding both ones that are coming from Motuara Island on the top of the South Island and those on the right hand there, a foraging kororā tract from Mana Island. You can see they go very long distances, including Taranaki, where we have the plume and the mining activity.

Finally, we've called evidence from Dr Tara Anderson. Dr Tara Anderson hasn't been involved on behalf of KASM and Greenpeace in the previous proposals, but we asked her to do a peer review of Alison McDermott's evidence; however, she did give evidence when she worked for NIWA on the 2013 TTR proposal, so she's familiar with this area and she produced a number of reports on the benthic ecology. She gives a very comprehensive summary in paragraphs 21-26, but the key is that she does not disagree in terms of the degree of impact but also on the recovery rates of benthic ecology both in the CMA and also in the mine site itself.

I guess the comment at the top there is from the Morrison report, the 22 multi-beam study that picked up the subtitle reefs, and the finding that there is actually many more reefs awaiting to be discovered. The Application (or the Applicant) states that at this stage there is no indication that rocky reefs occur in the Pātea Shoals seaward of the CMA. We would say that the work just hasn't been done to make that statement. What you heard today from the boating club probably gives you evidence on the opposite.



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That's my very quick overview of evidence. I guess the one thing I haven't included there is just a note on the conditions. I guess we refer to the Supreme Court in that their findings around uncertainty that especially in regards to marine mammals and seabirds, that you just can't make conditions where you don't know what's there. You can't then later find out what's there and then say, 'We'll just avoid adverse effects,' if you don't know what those adverse effects look like cos you don't know what's there. It's a circular argument, but we're in the same position unfortunately here or that we still don't have that information to give you any certainty in terms of conditions for consent for marine mammals and seabeds.

Finally, I just wanted to make some reference to our joint memorandum. This was filed on behalf of Te Kaahui o Rauru Trust, Te Korowai o Ngāruahine Trust, Te Ohu Kaimoana, Kiwis Against Seabed Mining, Greenpeace, Royal Forest and Bird and EDS. You would've heard counsel for Te Rūnanga o Ngāti Ruanui had read this memo but has since confirmed it. The key issues are really expert conferencing in the matter of hearing. We'd say that there is value in having expert conferencing on those topics listed at Paragraph 8, plume modelling, benthic ecology, seabirds, marine ecology and economic evidence, that you have targeted expert conferencing and you also have the JWS' as I mentioned earlier, that should facilitate the start of an issues list. We consider that expert conferencing wouldn't take more than a day for each topic, and that expert conferencing would be an efficient step to narrow those issues down to points of areas of improvement and disagreement.

Similarly, we think you'd take a targeted hearing on key topics and the legal issues that arise from the submissions and from these oral presentations, that we would have been engaged in combining a collective issues list so that you could have a very focused hearing, where parties adopted each other's submissions and gave succinct points to you on the points of law. There is high value in hearing from some of these experts directly, especially for KASM and the likes of Dr Torres, who just has that firsthand experience of being out in the Taranaki Bight and years of knowledge of studying those blue whales.



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That is valuable information for this panel to hear from her and that my light compressed summaries is very not enough for this kind of Application.

I guess the final point is just we would all probably seek to be able to go into those legal issues like EDS did today, speak to you on some of those novel parts of this legislation and have that back and forth with the panel on the points of difference.

Thank you. That's our overall comment at this point. Any questions?

K TOOGOOD: I have one. It's slightly off topic, but your comments about seabirds interest me in the light of the proposals we heard from the former Parkwind and also from TOP. It seems to me that 60 or 120 turbines out to sea may pose more than a slight risk to seabirds, and I'm interested in whether Greenpeace has a view on that and whether you'd be interested in sharing it. I understand if you say, 'No, we don't want to tell you what we would do about it'.

R HAAZEN: I think our position is that wind turbines do need to be the subject of a resource consenting process, where you consider those adverse effects, both to seabirds and marine mammals. There's also some concern around sound, but that the wind industry is, we would say not on par with the effects of the proposed seabed mining in terms of—

K TOOGOOD: A lesser evil?

R HAAZEN: A lesser evil, perhaps.

K TOOGOOD: No, I understand. I mean there would naturally be, you would anticipate, if the legislation is passed, a consenting process will address what must inevitably be (I'll put it in a neutral way) some adverse impacts or effects depending on which term you prefer. I would expect that Greenpeace will be as vigilant on those topics as it has been on this one.

R HAAZEN: Yes, I guess the other industries, fishing, where Greenpeace has also engaged on the adverse impacts of those and sought better management plan. So, yes, with every resource consent to activity in this area, there'll be adverse effects. We, you'll see in our economic



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analysis, have asked our experts to look at the opportunity costs of wind cos renewable energy is a supporter for other climate change outcomes. So, yes, there's pros and cons in everything.

K TOOGOOD: Thank you.

H GILES: A question related to the suggested expert caucusing. There are a lot of interdependencies and we've seen that in the previous joint witness statements for ecologists to have meaningful conversation about ecology they relate to the modelling. Every specific subject, the group has to make some assumptions and therefore draw conclusions. Do you have any suggestions, rather than listening to topics as one step, but in terms of actual conduct and how we could ensure that there are clear outcomes and we don't end up with expert caucusing, where experts agree to disagree or identify uncertainties … which we understand there are uncertainties, but what we are hoping for is obviously is as good information as possible.

R HAAZEN: Yes, I think sadly that many of the expert topics rely on plume modelling, so I think you can have an order of topics where they are following on from each other in the natural order. I would suggest plume modelling goes first, followed by your environmental effects, followed by your economic and planning analysis last to avoid what you're talking about. I think that my memory of those statements is that the uncertainty largely follows from the plume cos the plume is the key impact, and if you have uncertainty in the plume, then you have uncertainty in the impacts on seabirds and marine mammals. Does that—

H GILES: Yeah, it does. It does not close the opposite loop, that some of the uncertainty arises or some of the plume modelling uncertainty arises because there is some disagreement around what is the worst case scenario. Defining the worst case scenario depends on the sensitivity of the endpoints of the receiving environment, so sensitivity for marine mammals may look different to sensitivity for fish, for benthic habitats. That's where this circular … I don't expect you to have an answer because that is the hard question in this, but it's trying to break the cycle of not gathering experts again to agree on more uncertainty, but



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trying to a better way of utilising the experts to get better answers with the information we have at hand, being realistic around the constraints that we have.

R HAAZEN: I think the only response I would have is that there could be an interim finding on the plume on it, but I don't know if that's within your scope of power. So, probably stepping beyond what I could say to help you there.

K TOOGOOD: All right. Thank you very much.

R HAAZEN: Thank you.

K TOOGOOD: It might have been high level, but it was helpful.

R HAAZEN: Yes, we're very grateful. Thank you.

K TOOGOOD: Finally today, Horizons Regional Council.

[background chat/set up 1:19:20 – 1:21:19].

K TOOGOOD: All set?

ELLIOTT: Yeah.

K TOOGOOD: Kia ora.

S WESTCOTT: Good afternoon.

G BEVIN: Good afternoon.

K TOOGOOD: We can see and hear you, and there is a microphone we can use when we address you so that you can hear us. Could you introduce yourselves please and then make your presentation?

S WESTCOTT: Thank you. My name is Sarah Westcott. I am one of the team leaders in the consents team at Horizons Regional Council, and I'm joined by Greg Bevin, who's the Regulatory Manager at Horizons Regional Council.

First, I just wanted to thank the panel for the opportunity to appear and present our comments that we've made. We acknowledge that we've



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come into this process fairly late compared to a lot of other parties. We weren't involved in any of the previous application processes, so there's been a bit of a reading up of things fairly quickly, but we're grateful to be here and present.

My intention today was really just to do some verbal key points from our comments. I don't really have, I suppose, a formal presentation as such. I'm more just highlighting some of the key points, and then being available for any comments or questions that the panel may have.

Firstly, just wanted to acknowledge that we consider Taranaki Regional Council to really be, I suppose, the first point of call in terms of regional council space, given that their coastal marine area is directly adjacent to the activity site. We acknowledge that we're further downstream, down catchment from the site, so the effects from our perspective are going to be somewhat different or less than Taranaki's. We've read Taranaki's comments, and in our document note that we support those.

In terms of our review, we've engaged PDP to help us to review some of the technical documents that's been provided. You'll see now our comments, the tenor of our comments is really that there's a lot of uncertainty and information gaps that sit around what the impacts on the Horizons' coastal marine area is. That in part may be because of our late introduction into the piece from the Applicant's perspective, but we just want to note that the feedback we've had from our technical staff is that it's meant that we've been in a position where we're not really able to provide a lot of assistance on what the scale of effects in our jurisdiction are, which lends to that question of uncertainty and then scale of information that's needed to decide the Application.

Our approach or our request is that the panel uses the mechanisms that are available to them under the fast track legislation to plug those information gaps to make sure that you've got enough certainty and information to be able to make an informed decision. We note that the fast track legislation is quite different to the RMA in terms of what scope you have to make that decision or not. We'd just encourage the filling of information gaps, and if there is any residual uncertainty when you come to make your decision, that that conservative approach or worst



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case scenario approach in terms of effects is taken to make sure that everything's considered as robustly as it can be.

We want to note that we support iwi and hapu at place in terms of their comments and feedback on the Consent Application, noting that a lot of the groups that have provided comment are from more up in the Taranaki area, but I note that their comments have been invited from iwi who are placed further down within our jurisdiction.

Our comments made a number of requests and recommendations of the panel and we respectfully request that those be looked at and considered. We are happy to take any questions that you may have.

K TOOGOOD: All right, thank you. That was very neat and night. Nat, have you any questions?

N HAMPSON: No, I'm all right.

K TOOGOOD: Gavin?

G KEMBLE: I've got one. I'm just curious to understand why now. You've been going for 12 years, so why has it taken Horizons 12 years to become involved?

S WESTCOTT: As far as I'm aware, we have not been invited into the process until now. We've not been included or asked to provide comment on any of the previous applications. This is my understanding. We can confirm that if you'd like, but that's my understanding of things.

K TOOGOOD: Well, that's the only question we have of you, Sarah. We are grateful. I see your submission is substantial, and it's been helpful to have you here and an overview, but I think just having a quick reread of the material you presented, you've set it out very clearly for us. That would explain why we don't have too many questions of you at this point, but we are grateful for your engagement. It might have taken 12 years, but we're pleased you're here now. Thank you.

S WESTCOTT: Thank you for the opportunity.

K TOOGOOD: Kia ora.



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All right, I think that's it for the day, and I'll ask Ngāti Ruanui if they wouldn't mind closing for us.

NGATI RUANUI: Tēna tātou katoa. Firstly, I'd like to mihi all the various groups that shared their kōrero today. They've managed to keep [inaudible 1:28:02] Ki roto i te māramatanga, ki roto o tēnā, o tēnā o tātou. Kia ora tātou. He karakia whakamutunga.

Unuhia, unuhia, Unuhia ki te uru tapu nui. Kia wātea, kia māmā te ngākau, te tinana, te wairua i te ara takatū. Koia rā e Rongo, whakairia ake ki runga. Kia wātea, kia wātea. Āe rā, kua wātea. Toi tū Paimārire. Kia ora tātou.

[background chat 1:28:35 – 1:28:50].

[End of Recorded Material: 1:28:50]



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