

UNDER

The Fast-track Approvals Act 2024

AND

IN THE MATTER OF

An application by Trans-Tasman Resources
Limited for marine consents for the Taranaki
VTM Project – FTAA-2504-1048

DATE

3 July 2025

**RESPONSE FROM THE ENVIRONMENTAL PROTECTION AUTHORITY TO PANEL CONVENER
MINUTE DATED 26 JUNE 2025**

Purpose

1. This memorandum responds to the Panel Convener's request for written responses to the matters set out in the Minute of 26 June 2025, in advance of the Convener's Conference to be held on 7 July 2025. As set out in the Minute, the responses from participants will inform decision on the appointment of panel members to consider this application and the timing of the panel decision. The Environmental Protection Authority (EPA) has been requested to provide this response and attend the conference in its capacity as administering agency of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act).
2. Before responding to the specific queries raised in the Minute, this memorandum outlines the procedural background to the project, given the potential for previous material to also be relevant to the issues before the Convener and the appointed panel.

Background

3. In responding to the Minute, the EPA draws on its experience in processing applications and supporting decision-makers under the EEZ Act, in particular proceedings relating to reconsideration of the applications under that Act. All of the material relating to those proceedings are available on the EPA website at the following links and may be of interest to the Panel Convener and the appointed panel:
 - [Trans-Tasman Resources Limited \(2016 application\) | EPA](#)
 - [Trans-Tasman Resources Limited \(2023 reconsideration\) | EPA](#)

4. In 2016, TTRL submitted applications for a notified marine consent and a marine discharge consent (the applications) under the EEZ Act for activities associated with the extraction and processing of iron sands off the south coast of Taranaki. The application was publicly notified and 13,733 submissions were received. On 3 August 2017, the consents were granted by a decision-making committee. However, this decision was overturned following various appeals. On 30 September 2021, the Supreme Court referred the determination of the applications back to the EPA for reconsideration in light of its judgement.
5. Following a High Court decision on procedural aspects, on 2 December 2022, the EPA Board appointed a new five-person decision-making committee to reconsider the applications by TTRL. The decision-making committee members were the Honourable Lyn Stevens CNZM KC (Chair), Dr Andrea Byrom (EPA Board member), Dr Sharon De Luca, Loretta Lovell and Miria Pomare.¹
6. For this reconsideration, there was no completeness phase or notification/submission phase. However, all submitters who were a part of the 2016 application were a part of the reconsideration process.
7. The decision-making committee issued its first minute on 3 March 2023, directing TTRL to provide any additional evidence, reports, or updating material to address deficits identified by the Supreme Court. The decision-making committee received TTRL's evidence on 19 May 2023.
8. Various Minutes followed Minute 1, providing further directions to the applicant and the submitters and addressing various memoranda filed from both parties.
9. In October and December 2023, the decision-making committee issued Minutes [8](#) and [9](#). These Minutes confirmed important milestones in the reconsideration process including the need for expert caucusing, dates for three hearing stages and various other important details leading up to the hearing.
10. Expert caucusing took place in February 2024 on the following environmental matters:
 - a. effects on marine mammals;
 - b. effects on fish and fishing;
 - c. effects on seabirds;
 - d. effects on the benthic environment and sediment plume modelling;
 - e. conditions and planning.²
11. Stage 1 of the hearing took place on 13 - 15 March 2024 in Hāwera, focusing on environmental matters. During this stage, the decision-making committee heard from the applicants' lawyers and the applicants' experts (D. Thompson, S. Childerhouse, H. MacDonald, M. Dearnaley, D. Humpheson, A. MacDiarmid and P. Mitchell). The

¹ [Decision-making committee | EPA](#)

² [Expert caucusing | EPA](#)

decision-making committee also heard from two of the Kiwis Against Seabed Mining / Greenpeace submitter experts (D. Greer and J. Cockrem).³

12. Following Stage 1 of the hearing, the decision-making committee issued a number of Minutes providing directions to parties in preparation for the next stage of the hearing. These Minutes may be of use to the panel once it is appointed and are summarised below.
13. [TTRL DMC Minute 20](#) dated 21 March 2024 – essentially identifying actions for the parties on the following topics:
 - a. Agreed statement of issues
 - b. Description of the overall project
 - c. Insurance and bond
 - d. TTRL's application for leave to file updated fisheries data
 - e. Storm modelling data files
 - f. TTRL's application for leave to file rebuttal tikanga evidence
 - g. Pre-commencement monitoring
 - h. Enhancement of conditions
 - i. Underwater noise conditions
 - j. Review of the marine mammal conditions
 - k. Seabird conditions
 - l. Economic update
 - m. Evidence of Dr Alison MacDiarmid – pre-commencement monitoring
 - n. Tangata whenua and iwi submitters (legal counsel for TTRL was invited to explore with legal counsel for tangata whenua and iwi submitters to contribute to the development of conditions)
 - o. Evidence of Mr Greer (for KASM/Greenpeace) – re the effects of the proposed mining activity on sediment mobilisation and transport.
 - p. Timing – responses required by 5 April 2024.
14. The decision-making committee also issued [Minute 23](#) (dated 26 March) indicating its intention to commission further advice on sediment plume modelling, and [Minute 24](#) (dated 28 March 2024) providing further directions to Dr Larry Cahoon, the TTR expert on sediment plume modelling and related matters that were a key issue for the reconsideration proceedings.
15. On 28 March 2024, just over two weeks after stage 1 of the hearing, [TTRL withdrew its application](#) and requested that the reconsideration process cease, including the scheduled hearing stages. The decision-making committee issued its last Minute ([Minute 25](#)), on 2 April 2024, addressing this.

³[Hearing | EPA](#)

Responses to Schedule 1 of the Minute – Matters to consider when preparing for conference

Approvals

16. The EPA notes that the marine consents required for the project are:
- a. Marine consent – for the seabed mining operation; and
 - b. Marine discharge consent – for discharge of sediments following processing of the extracted seabed material.
17. We note that no other approvals have been sought under the Fast-track Approvals Act 2024 (Act) in relation to the project.

Complexity

18. The EPA notes that following aspects of complexity associated with the project:
- a. Legal complexity - as reflected in the questions raised by the Panel Convener in [Minute 1 dated 10 June 2025](#) concerning the weighting of matters set out in Schedule 10, clause 6 of the Act, the EPA anticipates there will be a high degree of legal complexity associated with the project.
 - b. Evidentiary and factual complexity – there is a large volume of evidential material, as noted in the background section above – this material is very scientific/mathematical, particularly in relation to impacts on the marine species and the sediment modelling issue. The panel may wish to commission expert advice, which would need to be factored into timing, including the potential need for expert conferencing and possibly the hearing of experts.

Issues

19. The reconsideration decision-making committee formed the view there were a range of issues associated with the project. In [Minute 15](#) dated 23 February 2024, it required the applicant and submitters wishing to be heard to cooperate in the preparation of an Agreed Statement of Issues. While a draft statement was progressed, a final statement was not produced (as noted in para 2 of [Minute 20](#)).

Panel membership

20. It is noted that the Panel Convener must ensure the members of the panel:
- a. collectively have knowledge, skills, and expertise relevant to the approvals sought in the substantive application, and expertise in environmental matters; and
 - b. must include at least one member who has an understanding of te ao Māori and Māori development.⁴
21. Given that the complexity of the project and high public interest, the matters that were considered in appointing the decision-making committee for the reconsideration task included that:

⁴ Schedule 3 cl 7 of the Act.

- a. the new decision-making committee comprise five members, with a mix of complementary knowledge, skills and experience;
- b. the chairperson of the new decision-making committee be a retired Judge;
- c. one of the decision-making committee members should have marine science expertise, with the other members collectively having complementary knowledge, skills and experience, including Te Ao Māori and decision-making experience under the Resource Management Act 1991 and the EEZ Act;
- d. at least one member be a member of the EPA Board (as required by cl 14 of Schedule 5 of the Crown Entities Act 2024);
- e. Decision-making committee members should be certified under the Ministry for the Environment's Making Good Decisions course, or its equivalent;
- f. Decision-making committee members must be able to understand, test and probe mātauranga Māori evidence; in addition, the decision-making committee induction session was to include training on the EPA mātauranga framework;
- g. Desirable skills and competencies for the decision-making committee as a whole included:
 - i. knowledge and experience in marine sciences, biological sciences or environmental sciences including an understanding of anthropogenic impacts on the marine environment; and
 - ii. engineering and other technical expertise specific to the extraction and processing of seabed material.

Tikanga

22. We note that this is for iwi authorities and Treaty settlement entities to advise on.

Procedural requirements

23. *Willingness to engage directly with the panel as necessary* – The EPA is willing to engage with the panel as required, although we do not envisage being actively involved in proceedings, apart from perhaps commenting on draft conditions.
24. *Likelihood of any form of hearing* – The EPA has no particular view on this, but would be happy to participate if this would assist the panel in progressing the application. We note that the panel will have the ability to engage specialist or technical advisors throughout the assessment of the application, and this may well involve expert conferencing. Participants engaged in expert conferencing may well be involved in any subsequent hearing.

Responses to Schedule 2 of the Minute – Participants' estimated timeframes

25. The EPA does not have an estimated timeframe for the hearing, but anticipate that given the complexity of the application, longer than the default timeframe will be required.