

BEFORE AN EXPERT PANEL

FTAA-2504-1048

UNDER

the Fast Track Approvals Act 2024

IN THE MATTER

of a substantive application for marine consents that would otherwise be applied for under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012

BY

Trans-Tasman Resources Limited

**MEMORANDUM OF COUNSEL FOR TRANS-TASMAN RESOURCES
LIMITED IN RESPONSE TO MATTERS ARISING FROM EXPERT
CONFERENCING AND NOISE PEER REVIEW**

21 November 2025



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MAY IT PLEASE THE PANEL

1. This memorandum on behalf of Trans-Tasman Resources Limited (**TTR**) addresses the noise peer review by Dr Pine dated 9 November 2025, two matters arising from the Joint Statement of Expert Witnesses: Benthic Habitats and Species dated 17 November 2025 (**Benthic JWS**), and one matter in relation to the Joint Statement of Witnesses: Treaty Settlements and Cultural Effects (**Cultural JWS**).

Noise peer review

2. Dr Pine's peer review raises a variety of issues in respect of underwater noise.
3. The Expert Panel has not yet indicated how it wishes to proceed in relation to this topic. It is anticipated that the Panel would provide TTR with an opportunity to respond to Dr Pine's review, consistent with ordinary principles of natural justice, so TTR has asked Mr Humpheson to consider Dr Pine's review and provide a supplementary statement in response.
4. Mr Humpheson's supplementary statement accompanies this memorandum, and is offered to the Panel to further assist the Panel's understanding of the issues relating to underwater noise.
5. If the Panel would be assisted by expert conferencing between Mr Humpheson and Dr Pine, then Mr Humpheson can be available at short notice to progress that.

Benthic JWS

6. There are two subjects raised by the Benthic JWS where it is apparent to TTR that the benthic experts have proceeded on an incorrect understanding of factual matters relating to mining methodology (i.e. matters outside their expertise, where they have either misunderstood or been unaware of the relevant information).

Desalination and related discharges

7. Dr Barbara states at [15] that the desalination plant is “new”. This seems to suggest the plant has been added either during the current application, or since the last application, neither of which is correct. The plant and/or uses of desalinated water were identified in the current application documents from the outset;¹ and were included in TTR’s previous (i.e. 2016) application.²
8. Further, the two consequential discharges associated with the de-salination process (freshwater/permeate and brine) are described in Mr Thompson’s evidence.³
9. The Benthic experts agreed more information is required to ensure that the brine discharge is adequately diluted.⁴ Mr Thompson’s evidence addressed this,⁵ but given the uncertainty of the benthic experts Mr Thompson has prepared a supplementary statement of evidence to provide additional information on this aspect. His supplementary statement is filed with this memorandum.
10. Dr Barbara also raised a concern that metals (copper and nickel in particular) might be mobilised during the freshwater washing.⁶ This is also addressed by Mr Thompson’s supplementary statement.

¹ Impact Assessment at 2.3.2.1, 2.3.2.3, 2.3.6, 2.4.5, 4.1.3; Pre-feasibility Study at [8.2] (pp118-120). p 18, first and third paragraphs; p 20, third paragraph;

² 2016 Impact Assessment at 2.3.2.1, 2.3.2.2, 2.3.6, 2.7.6 (<https://www.epa.govt.nz/assets/FileAPI/proposal/EEZ000011/Applicants-proposal-documents-Application-documents/ab0d03f16b/Impact-Assessment-23-August-2016.pdf>)

³ Evidence of Shawn Thompson, 13 October 2025 at [25]-[30].

⁴ Benthic JWS at [16].

⁵ Evidence of Shawn Thompson, 13 October 2025 at [30].

⁶ Benthic JWS at [18].

Pits and Mounds

11. The Benthic JWS contains many statements regarding the formation of pits and mounds in the mining process,⁷ and a diagram related to this.⁸ These aspects disclose some basic misunderstanding of the mining methodology and the mechanisms by which pits and mounds will be formed. Mr Thompson's supplementary statement addresses these matters to dispel any confusion.
12. In addition to Mr Thompson's supplementary statement, TTR continues to rely on Dr Iain Macdonald's evidence, which correctly identifies that the proposed conditions limit the height of any mounds to 4m, and the depth of any pits to an average of 5m. Despite referring to that evidence (which, for the avoidance of doubt, is not the source of the image at Appendix 1 to the Benthic JWS), the experts have proceeded on incorrect understanding that pits will be 11m deep and mounds 11m high.⁹

Cultural JWS

13. TTR records that a decision was taken to proceed with the Treaty Settlements and Cultural Effects conference without a TTR representative present.
14. While the time limits around this process are tight, the decision to proceed without TTR represented inevitably means that the conferencing was fundamentally one-sided, as all participants in the conference share the view that the project should not be approved. Rather than being a forum for testing and exploring different points of view, the conference became a further opportunity for parties with a common


⁷ At [22], [32], [33], [36], [58], [75], [76].

⁸ At Appendix 1.

⁹ Benthic JWS at [32]

opposition to the project to re-state their opposition in the form of a "joint" statement.

DATE: 21 November 2025



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