MEMO

DATE: 11/6/2025

TO: Ruth Isaac, Deputy Director General Policy and Regulatory Services

CC: Jenni Fitzgerald, Manager Fast-track Applications

FROM: Celia Haden, Principal Advisor; Siobhan Quayle, Director Regulatory Systems Performance

SUBJECT: Approach to Trans-Tasman Resources Limited application for offshore iron-sand mining under the Fast-track Approvals Act 2024 (**FTAA**)

Purpose

1. There has been an application for marine consents by Trans-Tasman Resources Limited (**TTRL**) to carry out seabed mining for iron ore in the South Taranaki Bight beyond the coastal marine area in the exclusive economic zone (**the Application**) under the FTAA. Given the history of this Application and the issues it raises in the conservation portfolio it is important for the Department to have an agreed approach.

2. Based on the previous approach and the preliminary assessment that very little has changed, we recommend that the Department does not actively participate in the process for the Application unless specifically requested by the panel. We recommend you discuss the proposed approach to be taken by the Department with Stephanie Rowe, Henry Weston, and Penny Nelson.

3. The memo provides you with context for your discussions with Stephanie, Henry, and Penny.

Background

4. The Application under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (**EEZA**) was first lodged with the Environmental Protection Authority (**EPA**) in 2013. The Department participated as a submitter in the first proceedings. This application was declined in 2014. A revised application was lodged in 2016, but based on agreed conditions addressing conservation concerns[1], the Department decided not to participate in the second proceedings. This advice memo is appended as **Attachment 1**.

5. The Taranaki-Whanganui Conservation Board took an active role as a submitter opposing the Application. The 2016 application was granted but was appealed, and after going through High Court, Court of Appeal, and the Supreme Court, the EPA decision was quashed in 2021 and sent back to the EPA for reconsideration. The Taranaki-Whanganui Conservation Board also participated in the litigation.

6. The reconsideration took place in 2023/24 and again the Department did not participate on the same basis as 2016, and the Taranaki-Whanganui Conservation Board did participate as a submitter.

[1] Negotiated with the applicant after signing a confidentiality agreement, over a period of 15 months, relying on the same experts that DOC used in the first application process.

Released under the Official Information Act

However, this process was halted in March 2024 when TTRL withdrew the application in favour of using the fast-track regime.

7. The Application is a listed project under the FTAA, and the substantive application was lodged with the EPA on 15 April 2025 and the EPA determined it was complete on 9 May 2025. The application documents were posted on the Fast-track website on 20 May 2025.

Fast-track Application

8. Sarah Hucker, Senior National RMA Advisor, had significant involvement in the previous versions of the Application so was asked to carry out a brief desktop review of the fast-track version of the Application to understand what may or may not have changed. Her report is attached as **Attachment 2**. Her preliminary assessment is that the fast-track version of the Application includes draft conditions that are similar (in some places added to or enhanced) to those agreed with the Department in 2016. She also noted that it would be beneficial to have a further check done by the seabird, marine mammal, and benthic technical staff to verify the preliminary assessment.

Role for the Department under the FTAA

9. Previously under the EEZA, the versions of the Application were publicly notified so the Department, and Conservation Board, had the option of making a submission. That is not the case under the new fast-track regime. Further, in the past, the applicant had engaged extensively with the Department so there was a level of understanding of the proposal and input into the draft conditions. This was ultimately the basis for the level of comfort with the 2016 proposal. There has been no further engagement from the applicant for the reconsideration in 2023 or the fast-track version.

10. The Department is not an administering agency for this application because TTRL have only applied for marine consents under the EEZA, not DOC approvals. This means the only way to participate in the process is if the panel invites the Department to comment or requests a report.

11. The panel must invite comments from "every other Minister with responsibilities that may be affected by the activity for which consent is sought". It is likely, but not definite, that the Minister of Conservation will be invited to comment based on the role in the coastal area and environmental effects on wildlife. However, we do not know the rationale that will be used by the panel in this particular case. While comments from the Minister could be detailed, these are more usually high level.

12. Panels do have discretion to invite comments from any other person they consider appropriate. It may be that given the role played in the previous versions of the Application by the Taranaki-Whanganui Conservation Board that the panel would invite them to comment. It is also possible that the panel could invite comment from the Department given the general conservation role[2]. It is unlikely that we would know that until after the panel is appointed.

13. The panel could also commission a report from the Department, at any time from their appointment until the decision is made.

---

[2] Particularly as the Department is responsible for administering the Wildlife Act and Marine Mammals Protection Act - marine mammals and seabirds will be impacted, including impacts on the benthic environment impacts their ecosystems.

Released under the Official Information Act

14. If the panel invited the Minister of Conservation, Department, or the Conservation Boards to comment, the role of commenting would be similar to making a submission in that those entities can comment on any aspect of the application and would also be invited to comment on the draft conditions and could appeal the final decision.

15. While there are options for cost recovery from the applicant for the work by the Department to either provide comment or support the Minister to provide comment, there is not a cost recovery option for Conservation Boards. Their participation would be resourced in the same way as for non-fast-track applications, ie not application specific funding from DOC.

Key considerations

16. The conservation issues raised previously are likely to be the same for the current proposal. These are summarised in the advice from 2016 (Attachment 1). As noted above, the preliminary assessment is that the previously agreed conditions to mitigate effects that were a focus for the Department have been retained meaning the effects will be mitigated in a way that was acceptable to the Department in 2016.

17. We understand that if any conservation approvals are required, such as wildlife approvals (available under the fast-track regime) or under the Marine Mammals Protection Act 1978 (outside the fast-track regime in any event), these will be processed separately under the relevant legislation with the Department as the decision-maker. None were sought in respect of the previous applications, and this choice of approach is open to the applicant.

18. We note that significant opposition remains in the community and particularly among iwi groups to this proposal. There is, for example, an extensive media campaign being run by Greenpeace on this application, and Deborah Ngarewa-Packer, in her role as MP for the local Māori electorate and her connections with Ngāti Ruanui, has raised it in the media on multiple occasions.

19. Specified Māori groups will automatically be invited to comment by the panel but the environmental groups such as Greenpeace, Forest and Bird, and Kiwis Against Seabed Mining (KASM), who were all involved in the litigation, would not be invited to comment unless the panel chose to add them.

20. There may be some expectation that the Department takes a role to represent key conservation values that might otherwise have been expressed by these groups. In the case of the Taranaki-Whanganui Conservation Board, this might be a particularly acute issue if they are not invited to comment but the Department is (though as noted above, it would be more likely to be the other way around or neither are invited). At this point there are limited options available to try to identify in advance whether the panel would invite any of the conservation agencies to comment.

21. Given the uncertainty of further involvement at this point, and the preliminary assessment that little has changed since 2016 when the Department did not participate, we recommend the Department does not take an active approach to the Application. However, this means if there is an invitation to comment, and work is required, then that work to respond will be time pressured as there is a

Released under the Official Information Act

statutory 20 working days to comment. While this would be on limited issues with a preliminary agreed approach it may require external expertise[3] which will make the timing challenging.

22. Once the Departmental approach is agreed, then we also recommend advising the Taranaki-Whanganui Conservation Board of the approach and offering to share the preliminary assessment.

We recommend that you … (Ngā tohutohu)

		Decision
a)	Agree **Note** the recommended approach, based on the previous approach in 2016, and the preliminary assessment that draft conditions would be in place to mitigate the effects of concern to the Department, that the Department not actively participate in this Application process.	Yes / No Subject to (b)
b)	**Agree** to discuss the recommended approach with your colleagues, Stephanie Rowe and Henry Weston, and with Penny Nelson.	Yes / No
c)	**Agree** to advise the Taranaki-Whanganui Conservation Board of the Departmental approach (once agreed) and to share with them the preliminary review (Attachment 2).	Yes / No

9(2)(a) [redacted]

Date: 12/6/25

Ruth Isaac

Deputy Director General Policy and Regulatory Services

ENDS

[3] For the previous applications DOC required technical input for seabirds and marine mammals, including the impact of noise (for which there are few experts in NZ - in the first application DOC engaged Professor Berndt Wursig from Texas University), and sediment modelling expertise which DOC does not have in-house.

Released under the Official Information Act

Item 2

Ref: 2889433

Department of Conservation
Te Papa Atawhai

Date: 12 October 2016

To: Martin Kessick, Acting DDG Operations

From: Astrid Nunns, National Support & Advice Manager, PPL

Subject: **Marine Consent Application by Trans-Tasman Resources Ltd**

Purpose of report

1. The purpose of this report is to set out options and a recommendation in relation to the new marine consent application by Trans-Tasman Resources Ltd (TTRL) to mine iron ore sand from the seabed in the South Taranaki Bight.

Executive Summary

2. The Department submitted opposing in part a previous TTRL application in 2013 (2013 application). The Department sought further information on the effects of sedimentation and more certain and robust conditions to address a range of matters including effects on seabirds, marine mammals and the benthic environment. The Department presented expert evidence on those matters at the hearing.

3. The Decision Making Committee (DMC) declined the 2013 application. The DMC considered that the information provided on the potential effects on the environment was inadequate and that the proposed adaptive management conditions were insufficiently robust or certain for the application to be approved.

4. TRRL undertook more research on the effects of sedimentation which shows that the potential effects of the proposed mining operation are significantly less than the effects predicted in the 2013 application.

5. Since late last year TTRL has engaged with the Department and provided its draft scientific reports for review by the Department's experts. Following the review of TTRL's reports and further information requested by the Department and provided by TTRL, the Department's experts recommended substantial amendments to the conditions proposed by TTRL.

6. Prior to lodgement of the application with the EPA, TTRL accepted all of the Department's requests for amendments to the conditions and included those conditions in its application. Subsequent to notification, and after considering reports by experts appointed by the Environmental Protection Authority (EPA), the Department proposed additional technical amendments to the conditions which were also accepted by TTRL.

Released under the Official Information Act

7. The Department does not consider that any further conservation gains could be achieved by lodging a submission, in light of its technical assessment of the application and TTRL's acceptance of all amendments to conditions sought by the Department.

8. This paper recommends that the Department does not lodge a submission on the application.

Overview – current 2016 application

9. TTRL has applied for marine consents and marine discharge consents under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) for a 35-year consent to mine and process iron sand within the South Taranaki Bight. The 65.76 square kilometre application area extends from 22 kilometres to 36 kilometres offshore of Patea. The proposal involves excavating up to 11 metres below the existing seabed and extracting 50 million tonnes of seabed material per year for processing on a floating mining vessel with 45 million tonnes of de-ored material returned per year to the excavated area. The processed iron sand will be transferred from the mining vessel to a floating storage and offloading vessel and from there periodically loaded onto an export carrier.

10. The applications have been publicly notified by the Environmental Protection Authority (EPA) with submissions closing on 14 October 2016.

The previous 2013/14 TTRL application

11. The initial TTRL marine consent application to mine iron sand in the same area of the South Taranaki Bight at the same rate and using broadly similar methods as now proposed was notified in November 2013. The Department engaged an independent sediment plume expert, and an independent expert on noise effects on marine mammals, as well as internal marine science (marine mammals and benthos), seabird, planning and legal expertise to review that application. The advice was that the application lacked certainty and further information was required in a number of areas. Additionally, the proposed conditions were considered to be insufficiently robust to meet the requirements of the EEZ Act.

12. The Director-General lodged a submission opposing the application in part. The submission sought further information in respect of technical aspects of the sediment plume modelling, noise and other effects on marine mammals, the adverse effects of sedimentation (smothering and turbidity) on sensitive near shore rocky reef benthic habitat and cumulative effects on marine mammals and seabirds. The submission also sought specific conditions to address potential effects on marine mammals, the benthic environment, seabirds and sediment plumes.

13. The application was heard by a Decision Making Committee appointed by the EPA. The Department called evidence from expert witnesses in relation to sediment plume modelling, marine mammals, noise effects on marine mammals, seabirds, benthic habitat and conditions. Those experts participated in expert conferencing prior to and during the 25-day hearing. The Department also made extensive legal submissions.

Released under the Official Information Act

14. No other central government agency lodged a submission or participated in the hearing process.

15. The decision to refuse consent was released in June 2014. The decision notes:

> *In summary, on the evidence presented we are not satisfied that the life-supporting capacity of the environment would be safeguarded, nor that the adverse effects of the proposal could be avoided remedied or mitigated, nor do we consider that the proposed conditions (including the adaptive management approach) are sufficiently certain or robust for this application to be approved, given the uncertainty and inadequacy of information presented to us about the potential adverse effects.*
>
> *Overall we think this application is premature. More time to have better understood the proposed operation and the receiving environment and engage more constructively with existing interests and other parties may have overcome many of the concerns we have set out in this decision.*[1]

The Department's review of the current application

16. Since late 2015 TTRL has engaged with the Department on the current application. TTRL provided the Department with copies of its proposed draft conditions, Baseline Environmental Monitoring Plan (BEMP) and Environmental Monitoring and Management Plan (EMMP) together with various technical reports for the Department's experts to review. The technical reports were provided subject to a confidentiality agreement.

17. The Department engaged Dr Peter Longdill, an independent plume modelling expert to provide advice on the sediment modelling. Dr Longdill had previously advised the Department on the 2013 application and presented expert evidence to that hearing. Advice on potential adverse effects on marine mammals, seabirds and the benthic environment was provided by internal DOC staff.

18. Based on the technical advice, the Department provided comments to TTRL and suggested amendments to the draft conditions to address potential adverse effects. A number of meetings were held between the Department and representatives from TTRL.

19. TTRL accepted all of the revised conditions and amendments to the BEMP and EMMP requested by the Department.

Significant changes between the 2013 and 2016 applications

20. The technical assessment supporting the 2016 TTRL application demonstrates that potential adverse effects of the proposed iron sand mining are less than understood in the 2013 application. This is primarily because of additional analysis of the behaviour of sediment concluded there would be reduced sedimentation than in 2013 and the enhanced role of the operational sediment plume model. Additionally, the adaptive

[1] Trans-Tasman Resources Ltd Marine Consent Decision, June 2014, Executive Summary paragraphs 14 and 15.

Released under the Official Information Act

management approach reflected in the conditions is significantly more robust. These matters are outlined below.

Reduced sedimentation

21. Following the decision on the 2013 application TTRL commissioned an independent laboratory to model and research the behaviour of suspended sediment for its proposed operations in the marine environment. The conclusion was that the fine sediment would flocculate (combine into larger particles) and overall settle faster with less re-suspension than previously thought. That conclusion and a revision to the operation to generally discharge all de-ored sediment into the excavated trench below the natural seabed level has reduced the potential adverse effects of sedimentation.

22. Dr Longdill reviewed the analysis undertaken for TTRL to predict the likely behaviour of the suspended sediment and agreed with the conclusions in the Impact Assessment that the effects of suspended sediment concentration from the project near the project area will be moderate and insignificant closer to the coast. As noted above, the conclusion is different from that reached with the 2013 application owing to additional analysis of the way that project derived sediment will behave in the marine environment.

Enhanced role of the Operational Sediment Plume Model

23. Unlike the 2013 application, a sophisticated sediment plume model is now proposed to inform operational mine management decision making. The proposed model will incorporate advance mine sediment details, be constantly validated with actual monitoring data and be constantly updated with the latest weather, tide and current forecasts. Over time it is anticipated to become a reliable predictive tool that can schedule mining activities at different locations within the large mining block to ensure suspended sedimentation concentrations remain within the limits at the sensitive sites specified in the conditions. The sensitive sites include five regionally important subtidal rocky reefs.

More certain conditions

24. Unlike the conditions proposed for the 2013 application, the 2016 set of conditions incorporate an adaptive management framework of measurable response and compliance limits for suspended sediment concentrations at defined locations including the subtidal rocky reefs. The response limit is set at 80% of modelled naturally occurring sedimentation and the compliance limit at 95%. Exceedances of the response limit will trigger additional monitoring and reporting and operations will cease for the period of time the compliance limit is breached. The Department requested, and TTRL agreed, to detailed changes to those conditions to improve workability and enforceability and ensure better environmental outcomes. The changes to the conditions also ensured that while providing for the numerical values to change in response to the independently peer reviewed results of the approved background monitoring programme, the percentage limits represented by those numerical values could not be changed except by way of a formal change in conditions process under the EEZ Act.

Released under the Official Information Act

25. Additionally, as requested by the Department and agreed by TTRL there are various other improvements to the conditions in respect of avoiding and mitigating adverse effects on seabirds and marine mammals; calibration, review and validation of the operational sediment plume model; the process of preparing and independently reviewing the various management plans; and increased opportunity for the EPA to approve various documents and process steps and to review the conditions.

26. In relation to marine mammals the Department engaged an internationally respected marine mammal noise expert, Professor Wursig for the 2013 application. He and the noise and marine mammal experts at the previous hearing arrived at an agreed condition (apart from one expert) with respect to noise limits. The DMC for the previous hearing "found Professor Wursig's responses to questions to be most helpful".[2] That condition has been adopted by TTRL for this application. There is also a comprehensive set of conditions to avoid and mitigate effects other than noise on marine mammals including a requirement to develop a detailed marine mammal management plan in consultation with the Department. That set of conditions was largely developed by the experts at the last hearing but the Department's internal expert has made further refinements that TTRL has accepted.

27. The benthic related conditions have also been further developed from those arrived at by experts at the last hearing with more research being undertaken by TTRL as necessary. The Department's internal benthic expert proposed amendments to the benthic conditions proposed by TTRL which TTRL has accepted.[3]

28. The changes the Department sought to the draft 2016 set of TTRL conditions were consistent with the Director-General's submission and evidence presented to the 2013 hearing.

EPA commissioned reviews of the application

29. Prior to notification of the application the EPA commissioned four independent reviews of the application and has published those reviews on its website. Three of those reports are particularly relevant to the Department's interests – Sediment mobilisation and transport; Benthic Ecology; and Effects on plankton, fish and marine mammals. The fourth report relates to economic benefits.

30. The Department's expert advisors have reviewed the three independent reports of direct relevance to the Department and advise[4] that they agree with the overall conclusions and the environmental information presented with the application is "more than adequate."[5]

Sedimentation modelling review

31. The EPA independent reviewers of the sedimentation model conclude that the TTRL analysis of sedimentation properties (a key input to the sediment plume model) "*was*

[2] Trans-Tasman Resources Ltd Marine Consent Decision, EPA, June 2014 paragraph 330
[3] Email from Kristina Hillock to R Witte 30 September 2016
[4] Dr Longdill email 21 September 2016
[5] Lodgement review of Effects on Plankton, Fish and Marine Mammals, Trans-Tasman Resources Ltd Marine Consent Application, DHI, September 2016, Executive Summary, page 3

Released under the Official Information Act

undertaken with a great level of detail and provided an accurate definition of the sediment settling rate and sources terms."[6]

32. The authors of that report note that *"the accuracy and reliability of the predicted sediment concentrations and optical effect are highly dependent on the predicted discharge provided by TTRL."*[7] Dr Longdill advises that the conditions already proposed by the Department and accepted by TTRL will address this issue.

Review of effects on plankton, fish, marine mammals and seabirds

33. The reviewers assessed the risks of turbidity, noise, oil spills and biosecurity from ballast water on primary production, zooplankton, fish and marine mammals as "moderate" overall, but noted that many of these uncertainties will be addressed through the adaptive management conditions which require ongoing monitoring and operational responses to mitigate effects throughout the life of the project.[8]

34. There were no further reviews undertaken on potential impacts on seabirds. During the first application the seabird experts reached agreement on appropriate conditions. TTRL agreed to include those in this second, current application. TTRL also accepted further amendments to the conditions that the Department requested, namely to include monitoring of seabirds in the Environmental Monitoring and Management Plan (EMMP) and actions to be taken if there were effects of listed species of concern.

35. With respect to marine mammals the reviewers agreed with the Impact Assessment conclusions that the effects would be "negligible to minor."[9] The conditions require management plans to be prepared in consultation with the Department to set out the methods to be used to minimise effects such as bird strike on seabirds, and noise, ship strike and other potential effects on dolphins and whales. Various contingency plans are also required to be prepared to deal with emergencies such as oil spills.

36. The reviewers consider there is more than adequate information in the Impact Assessment to assess the effects on plankton, fish and marine mammals.[10]

37. The EPA reviewers recommend the development of a "hydro-dynamically driven primary production model" to assess and manage the effects on primary production in the food web. Dr Longdill for the Department has considered that suggestion and advises that compounding uncertainties which would be present in such a model output would render the model output of little or no value to the AEE or hearing process.[11]

Released under the Official Information Act

[6] Trans-Tasman Resources Ltd Marine Consent Application Review of sediment mobilisation and transport GHD 06/09/2016, Executive Summary paragraph 7 i.
[7] Ibid paragraph 27
[8] Lodgement Review of Effects on Plankton, Fish and Marine Mammals, Trans-Tasman Resources Ltd Marine Consent Application, DHI, September 2016, page 2
[9] Ibid Section 4.3.4, page 13
[10] Ibid pages 2 and 3 and section 7.1.3 page 24
[11] Dr Longdill email to R Witte 26 September 2016

Benthic ecology review

38. The benthic ecology review concludes:

> *If the proposed mitigation measures are rigorously applied, then we consider there is a very low risk of residual impacts from the Project on benthic ecology.*[12]

39. The authors of the benthic ecology review recommended a number of relatively minor technical amendments to the conditions intended to mitigate effects on benthic ecology. The Department's experts agree with most of the suggested amendments but do not agree with a suggested change to the response trigger mechanism for suspended sediment concentrations to take account of frequency and intensity of exceedances rather than just intensity. Dr Longdill considers that because the conditions require monitoring and reporting of statistical percentages from a time series, frequency and intensity are already included in the monitoring data sets.[13]

Confidentiality Agreement

40. Some of the technical sediment properties and economic information in TTRL's application is considered commercially sensitive and is only available if a confidentiality agreement is signed. Iwi and environmental groups have concerns about this and the matter may be considered by the Environment Court. The Department signed a confidentiality agreement with TTRL at the end of 2015. TTRL then shared those reports with the Department that related to the Department's interests.

Consultation

Taranaki/Whanganui Conservation Board

41. The Taranaki/Whananganui Conservation Board were advised of the Department's engagement with TTRL as described above.

Hauraki-Waikato-Taranaki Region

42. The Operations Manager in New Plymouth, Gareth Hopkins has been sent this report.

Other central government agencies

43. MBIE advise that they intend to submit in support of the application noting its economic benefits to New Zealand. Crown Law has indicated that Ministers would expect that consideration be given to a single Crown submission should multiple agencies intend to submit.

44. MfE have advised that while they are interested in the process they will not be submitting on the application.

[12] Trans-Tasman Resources Ltd Marine Consent Application Review of benthic ecology AECOM 1 September 2016 Executive Summary paragraph 10 d. page 5

[13] Email Dr Longdill to R Witte 21 September 2016

Released under the Official Information Act

Tangata whenua and community concerns

45. In 2013 there were 4702 submissions made on the application; 4680 of those were in opposition; 11 were in support and 11 neutral.

46. Over recent months in Whanganui the application has been generating strong community, iwi and media (including social media) interest. The application has been featuring in the Whanganui Chronicle, and public meetings have been held.

47. Of note we understood that several Iwi groups are formulating their opposition to the proposal. It is likely there will be a submission from the Whanganui Taranaki Conservation Board. Kiwis Against Seabed Mining, recreational fishing groups and South Taranaki Underwater Club are the lead groups for the community concerns. Concerns from these groups around the impacts cover a wide range of issues.

48. The Department is likely to face criticism if it does not lodge a submission and participate in the hearing.

49. Our communication with tangata whenua and the Conservation Board is critical moving forward if the Department does not lodge a submission.

Options

Option 1: Lodge a submission in support of the conditions agreed between TTRL and the Department

50. This option could increase the likelihood that the conditions agreed between TTRL and the Department are imposed by the DMC if consent is granted. Participating in the hearing would entail costs to present submissions and evidence in support of the conditions. There would be no additional conservation gain to participate in the hearing.

Option 2: Do not lodge a submission

51. If the Department does not lodge a submission, then it will not be able to present its views to the DMC on the conditions. However, most of the conditions agreed between TTRL and the Department were included as part of the application. In relation to the additional amendments proposed by the Department subsequent to notification, TTRL have agreed to include those amendments in their evidence presented at the hearing, and to provide the Department a draft version before lodging their evidence.

52. If consent is granted, the risk of the conditions being amended to reduce the mitigation of potential adverse effects is considered small for the following reasons:

    a) In order to secure consent, TTRL will need to present expert evidence to support their application, which includes the conditions as agreed with the Department. TTRL's experts are suitably qualified and experienced to provide appropriate evidence.

Released under the Official Information Act

b) While it is a different DMC hearing this application, one of the reasons the 2013 application was declined was that the conditions were not considered sufficiently robust or certain.

c) The DMC is being advised by EPA appointed expert advisors who have endorsed the proposed conditions as appropriate to mitigate the adverse effects and in some instances have recommended technical changes that would make the conditions more stringent.

Recommendation

53. It is recommended that the Department does not lodge a submission on the TTRL application for consents to mine iron ore sand in the South Taranaki Bight.

Note on Departmental Assessment of Application

54. The assessment of the application and advice on amendments to the conditions was undertaken by external consultants Peter Longdill (sediment plume modelling) and Rod Witte (conditions), and internal Departmental staff Kristina Hillock (benthic), Andrew Baxter (marine mammals), Graeme Taylor (seabirds), Sarah Hucker (planning), Eleanor Jamieson (legal) and Teall Crossen (legal).

I agree / ~~disagree~~ with the above recommendation.

9(2)(a) [redacted]

(signature)

14 | 10 | 16.

(date)

Martin Kessick
Deputy Director-General, Operations (acting)

Released under the Official Information Act

Version 5 June 2025 DOC-10342758

Baseline/TTRL Fast Track application 2025 - comparison of the conditions with earlier sets of consent conditions

This table compares three sets of conditions:

- The conditions in Attachment 1 of the TTRL Fast-track application 2025
- Consent conditions agreed between DOC and TTRL (immediately prior to them lodging their second application in 2016
- TTRL revised conditions at the end of the TTRL second application process 25 May 2017

This assessment does not include all the conditions – it is focussed on those of most interest to DOC interests on seabirds, marine mammals (including the impact of underwater noise) and the benthic environment.

It also includes the conditions on matters that will impact those interests, including:

- Discharge limits
- Environmental limits
- Vessel and operational management
- 'Soft starts'
- Baseline/Pre-commencement monitoring
- The Operational Sediment Plume Model
- Suspended sediment concentration limits
- Environmental monitoring – during operations
- Post-Extraction Benthic Recovery Monitoring
- Technical Review group
- Management Plans (including but not limited to seabirds and marine mammals)

Topic	Second EEZ application August 2016	TTR Revised Proposed Conditions 25 May 2017	FT 2025 application	Comment
Duration	35yrs	35yrs	35yrs	FT says the actual extraction will be for 20 years- rest of the term is for pre-commencement marine monitoring and research and post operation marine monitoring and decommissioning activities
Area of application	65.76km^2, between 22 – 36m offshore in the STB	Approx. 66km^2	Approx. 66km^2	
Volume of annual extraction	50 Mt	50 Mt	50 Mt	
Volume of processed ore	10%- 5Mt	10% - 5Mt	10% - 5Mt	
Anticipated material deposited back on seabed	45 Mt	45 Mt	45 Mt	
Lapse period	10 years	10 year lapse period	10 years	
General	Subject to the conditions… activities in accordance with the application… conditions prevail	Subject to the conditions… activities in accordance with the application… conditions prevail	Subject to the conditions… activities in accordance with the application… conditions prevail	
Summary of potential effects	• **Disturbance** – **FPSO** anchors, chains and tensioned steel cables (within extraction area) • **Disturbance** – **Crawler** tracks on seabed and biota (within extraction area) • **Disturbance** – **Extraction** – initially pits and mounds may impact wave climate and coastal processes. Killing of benthic organisms • **Deposition** – deposition of de-ored sand - initially pits and mounds may impact wave climate and coastal processes. **Principal effect is increased turbidity from sediment plume effects** (includes a water discharge from an overflow pipe – from 'hydro-cyclones')			

Released under the Official Information Act

Topic	Second EEZ application August 2016	TTR Revised Proposed Conditions 25 May 2017	FT 2025 application	Comment

	• **Noise and vibration** – from FPSO and crawler – on fish and marine mammals
	• **Discharges** -
	  ○ from the reverse osmosis plant are freshwater and brine will cause minor change in salinity
	  ○ The hyperbaric filter filtrate discharge (freshwater from the FSO) will have a negligible environmental effect after rapid initial mixing.
	• **Lighting** – focussed on operational areas and designed to minimise light spill.			

Summary of anticipated effects on the environment	• Landform and geomorphic character • Deposition of substances on shore • Currents and cross shelf sand transport • Longshore and cross shore transport • Coastal erosion and accretion • Sediment Plume and Sediment Re-Suspension • Effects on Optical Properties • Visual Effects (Seascape) and Visual Amenity • Benthic Ecology, Fish and Birds • Marine Mammals • Social • Recreation • Effects on iwi			
Operational compliance requirements **Discharge limits**	(52)… shall not remove more than 12.5 million tonnes of seabed material during any three (3) month (rolling average) period, and 50 million tonnes of seabed material during any twelve (12) month (rolling average) period… …must continually record amount of seabed material moved and report quarterly.	(4) Same as FT 2025	(3) …must not extract more than 12.5 million tonnes of seabed material during any three (3) month period, and 50 million tonnes of seabed material during any twelve (12) month period. …must continuously record the mass of seabed material extracted and report on this as part of the Quarterly Operational Report	2025 doesn't include "rolling average" Requirements and amounts the same but for 2016 version it's in condition 52

	Section 2.2 of conditions – "Operational Compliance Requirements". Conditions 4 – 7 set out 'Compliance Limits' and 'Response Limits' – including actions, investigations and reporting.
	
	Note - exceedance of a Compliance Limit required operations to cease immediately.
	
	Thie limits are set out in Schedule 2 – copied at the bottom of this table – they relate to 7 specific sites.
		(5) Changed to the limits in FT 2025 – but FT 2025 sets out better.	(4) When undertaking the activities authorised by these consents, the following limits must not be exceeded:
			a. The rate of extraction of seabed material, averaged over any monthly period, must not exceed 8,000 tonnes per hour ("t/hr"); and
			b. The rate of discharge of de-ored sediment onto the seabed, averaged over any monthly period, must not exceed 7,190 t/hr; and
			c. The rate of discharge of de-ored sediment having a size of <38 microns ("µm") must not exceed:
			  i. 130 cubic metres per hour ("m3 /hr"), averaged over any 48 hour period; and
			  ii. 83 m3 /hr, averaged over any seven (7) day period; and
			  iii. 66 m 3 /hr, averaged over any three (3) month period.
			d. Averaged over any one (1) week period, the extraction of seabed material having a size of <8µm, must not exceed 1.8% of the total seabed material extracted.
				The notified conditions in 2016 include the 'Compliance' and 'Response' limits as agreed between DOC and TTR pre-notification.
				
				The proposed conditions TTR put forward in closing submissions (so post witness conferencing) 2017 changed and are similar to the 2025 FT appln conditions 3 & 4 – under a heading "**Discharge Limits**"
				
				(3) The new condition sets **extraction limits** -3 month limit of 12.5 MT and annul limit of 50MT AND continuous recording of mass extracted and reported quarterly.
				
				(4) Monthly limits on **rates of extraction and discharge**:
				a) Rate of extraction - <8000 T per hour
				b) Rate of discharge of de-ored sediment <7190 T
				c) Rate of discharge of the fines (<38microns) for 48 hrs, 7 days, 3 months
				d) Rate of extraction of fine material <8microns cannot be more than 1.8% of the one-week average

		Conditions **(6)** and **(7)** are basically the same as FT 2025 conditions (5) and (6) – except:	**(5)** Shall not result in: (a) Exceeding SSC limit in Sch 2	FT 2025 has 3 additional monitoring sites compared to the 2016 TTR/DOC agreed conditions and the 2017 revised proposed conditions

Released under the Official Information Act

Topic	Second EEZ application August 2016	TTR Revised Proposed Conditions 25 May 2017	FT 2025 application	Comment
Environmental Limits **Sediments**		• no requirement to cease activities if the limits are exceeded	(b) Exceed any 'modified numerical values of a SSC limit in accordance with conditions 52 (c) Any significant change in the 25th, 50th, 80th, 95th percentiles of SSC at any of the **10 monitoring sites identified in Sch 2** In (c), signif change is the difference between measured and modelled statistical metric >10% of that predicted by the OSPM If 5(a) or 5(b) are exceeded, or any significant change under 5 (c) is >10%, **extraction activities must cease** until those conditions are complied with. **(6)** Can't exceed ANZECC 2000 limits for fresh and marine water quality at any of the 10 sites in Sch 2	
Benthic ecology		(8) Basically the same, except there are only 6 monitoring sites listed in the condition itself.	(7) Can't be >5% change in flora and fauna: • Abundance • Diversity • Total biomass At the **7 monitoring sites in Sch4** when compared against pre-commencement monitoring (condition 47) & taking account of natural variation	The 7 monitoring sites are the same as those in the 2016 TTR/DOC agreed conditions and the 2017 revised Proposed conditions
Benthic recovery	Appears nothing specific to benthic limits or monitoring – other than the compliance limits being measured at the 7 identified sites.	(9) Basically the same, except it has an "…extraction activities will cease.." until compliance with the condition is achieved – if recovery isn't achieved or annul monitoring doesn't show it is on track to recover	(8) No more than 5 years after extraction from an area, within 2km of where the extraction first occurred, demonstrate recovery of macroinfauna. This means: • 15% of pre-mining abundance, total abundance, biomass and species richness (taking account of natural variation), OR • annual monitoring results for that area (Condition 57) indicate that that such recovery is on track to be achieved **There's no cease activities requirement,** but expert advice of why and what can be done to enhance recovery must be sought and explained to the EPA how recovery will be achieved within 5years.	
Seabirds	(**10**) Consent holder to comply with Seabird Effects Mitigation and Management Plan that has been prepared and implemented following consultation with the Department of Conservation ("DOC"), the purpose of which is that: a. There are no adverse effects at a population level of seabirds of the species classified under the New Zealand Threat Classification System as "Nationally Endangered", "Nationally Critical" or "Nationally Vulnerable" or classified "Endangered" or "Vulnerable" in the International Union for the Conservation of Nature "Red List"; and b. Adverse effects on seabirds including but not limited to effects arising from: i. Lighting; ii. Spills; and	(**10**) Consent holder to comply with: (a) No adverse effects at a population level of seabird species that utilise the South Taranaki Bight of the species that are classified under the **NZ Threat Classification System as "Nationally Endangered", "Nationally Critical" or "Nationally Vulnerable"** or **classified "Endangered" or "Vulnerable" in the IUCN of Nature "Red List"**; and (b) Adverse effects from: • Lighting • Spills • Effect of sediment in the water column on diving birds that forage visually	(**9**) Consent holder to ensure: (a) No adverse effects on seabirds that use the STB that are classified as **"Threatened" or "at-risk" in the NZ Threat Classification System**, or "**Threatened" in the IUCN "Red list**" and (b) For other seabird species, adverse effects from: • Lighting (including the Integrated Mining Vessel ("IMV"), Floating Storage and Offloading Vessel) • Spills • Effect of sediment in the water column on diving birds that forage visually are mitigated, and where practical avoided.	Differences in: • Threat classifications used • "Avoided to greatest extent possible" changed to "are mitigated, and where practical avoided."

Released under the Official Information Act

Topic	Second EEZ application August 2016	TTR Revised Proposed Conditions 25 May 2017	FT 2025 application	Comment
	iii. The effect of sediment in the water column on diving birds that forage visually are avoided to the greatest extent practicable. The Seabird Effects Mitigation and Management Plan shall as a minimum: i. Establish how to mitigate, and where possible avoid, adverse effects on seabirds from vessel lighting and spills including the Integrated Mining Vessel, Floating Storage and Offloading Vessel and other support vessels; ii. Establish indicators of adverse effects due to mortality or injury of seabirds of the species classified under the New Zealand Conservation Status as "Nationally Endangered", "Nationally Critical" or "Nationally Vulnerable" or classified "Endangered" or "Vulnerable" in the International Union for the Conservation of Nature "Red List"; iii. Identify responses/ actions to be undertaken by the Consent Holder if the indicators in (ii) are reached; and iv. Outline any monitoring requirements for bird strike due to vessel lighting and, where necessary, provide for procedures to alter vessel lighting and vessel operations to reduce the incidence of bird strike. **The SEMMP shall be prepared by a suitably qualified and experienced person(s) and submitted to the EPA for approval** in a technical certification capacity that the requirements of this condition have been met.	shall be avoided to the greatest extent practicable; and (c) Adverse effects on seabirds from vessel lighting including the Integrated Mining Vessel ("IMV"), Floating Storage and Offloading Vessel and other support vessels shall be mitigated, and where possible practicable, avoided.		
Marine mammals	(11) Notwithstanding the requirements of Conditions 12 or 49 and 60, with respect to marine mammals (excluding seals), the Consent Holder shall comply with the following: The Marine Mammal Management Plan that has been prepared and implemented following consultation with DOC, the purpose of which is: There are no adverse effects at a population level on: Blue whales; or Marine mammal species classified under the New Zealand Threat Classification System as "Nationally Endangered", "Nationally Critical" or "Nationally Vulnerable"; or Marine mammal species classified as "Endangered" or "Vulnerable" in the International Union for the Conservation of Nature "Red List"; Adverse effects on marine mammals include but are not limited to effects arising from: Noise; Collision and entanglement; Spills; and The effects of sediment in the water column are avoided to the greatest extent practicable.	(**11**) Notwithstanding the requirements of Conditions 12, 32, 62 and 83, with respect to marine mammals (excluding seals), the Consent Holder shall ensure that: (a) is the same except it includes the words "…at a population level…" (b) is not qualified as being "..for other species …" (c) same (d) says the video feed will be made available on the consent holders website, or another website. (e) same (f) only requires recording of sightings of whales and dolphins (g) same (h) "Masters of all vessels are instructed to reduce speed to a safe minimum within **500 m** of any large cetaceans and feeding aggregations of blue whales, and take all necessary steps to avoid contact with the animals by detouring around and, where practicable,	(**10**) Notwithstanding the requirements of Conditions 11, 35, 66 and 88, with respect to marine mammals (excluding seals), the Consent Holder must ensure that: (a) There are no adverse effects as a result of the activities on: i. **Blue whales**; or ii. **Marine mammal species classified** under the New Zealand Threat Classification System as "Nationally Endangered", "Nationally Critical" or "Nationally Vulnerable", that utilise the SBT (b) For other species, **adverse effects on marine mammals are avoided to the greatest extent practicable**, including but not limited to effects arising from: i. Noise; ii. Collision and entanglement; iii. Spills; and iv. Sediment in the water column. (c) At least one (1) dedicated and trained **marine mammal observer is on-board each of the operational vessels at all times** (but not including	11- Underwater noise 35 – Soft Starts 66 – MMMP 88 – training on consent holders obligations under the Marine Mammals Protection Act 1978 and Marine Mammals Protection Regulations 1992, or any superseding legislation.

Released under the Official Information Act

Topic	Second EEZ application August 2016	TTR Revised Proposed Conditions 25 May 2017	FT 2025 application	Comment
	The Marine Mammal Management Plan shall include as a minimum: Procedures and protocols to minimise the risk of whale and dolphin entanglement; and A training framework relating to marine mammal operational responses; and Integrate any obligations under the Marine Mammals Protection Act 1978 and Marine Mammals Protection Regulations 1992, or any subsequent Regulations. The MMMP shall be prepared by a suitably qualified and experienced person and submitted to the EPA for approval in a technical certification capacity that the requirements of this condition have been met. At all times during the exercise of these consents, the Consent Holder shall ensure that at least one (1) designated and trained marine mammal observer is on-board each of the operational vessels, but not including bulk carriers. While the vessel is in motion, the observer shall be in a position where a clear field of vision is provided over the forward section of the vessel and beyond the bow; The Consent Holder shall ensure that a video camera is placed in a prominent position on all operational vessels where a clear field of vision is provided over the forward section of the vessel, beyond the bow and to the sides of the bow, and be recording at all times while the vessel is in motion. Further to the camera, a monitoring screen shall be installed on the bridge of each vessel and the video feed from each of the cameras will be made available on the Consent Holder's website or such other website as may be established from time to time (Condition 42). The purpose of the cameras is to record passage of the vessels and any contact with marine mammals while in motion; The Consent Holder shall ensure that at all times its employees and contractors undertaking airborne, seagoing and watch-keeping duties are informed of their obligations under the Marine Mammals Protection Act 1978 and Marine Mammals Protection Regulations 1992 or any subsequent Regulations; The Consent Holder shall require all employees and contractors to record any sightings of whales or dolphins including the date, time and, where possible, GPS position of the vessel; The Consent Holder shall immediately report any sightings of Maui's or Hector's Dolphins to DOC; Masters of all vessels shall reduce speed to a safe minimum within 500 m of any large cetaceans and feeding aggregations of blue whales, and take all necessary steps to avoid contact with the animals by detouring around and, where practicable, maintaining a distance of at least 500 m from the animal/s; Helicopters servicing the operation shall (subject to compliance with Safety and Civil Aviation Authority	maintaining a distance of at least **500 m** from the animal/s" (i) same (j) same (k) same (l) same	bulk carriers). While the vessel is in motion, the observer must be in a position with a clear field of vision over the forward section of the vessel and beyond the bow; (d) A **video camera is placed in a prominent position on all operational vessels** with a clear field of vision over the forward section of the vessel, beyond the bow and to the sides of the bow and is **recording at all times while the vessel is in motion**. A **monitoring screen must be installed on the bridge** of each vessel and the video feed from each of the cameras will be made available to the EPA and/or Department of Conservation staff upon request. The purpose of the cameras is to record passage of the vessels and any contact with marine mammals while in motion; (e) All employees and contractors undertaking airborne, seagoing and watch-keeping duties are informed of their **obligations under the Marine Mammals Protection Act 1978 and Marine Mammals Protection Regulations 1992** or any subsequent Regulations; (f) All employees and contractors **must record any sightings of marine mammals** (except seals) including the date, time and, where possible, GPS position of the vessel. All records must be contained in an Observation Log and be made available to EPA and/or Department of Conservation staff upon request and Annual Report required by Condition 104; (g) Any **sightings of Maui or Hector's dolphins are immediately reported** to the Department of Conservation; (h) Masters of all vessels are instructed to reduce speed to a **'no wake speed' of no greater than 5 knots within 300 m of any large cetaceans and feeding aggregations of blue whales**, and take all necessary steps to **avoid contact** with the animals and, where practicable, maintaining a distance of at least 300 m from the animal/s; (i) **Helicopters** servicing the operation (subject to compliance with Safety and Civil Aviation Authority requirements) maintain **a minimum altitude of 600 m (2,000 feet) except when landing and taking off**; (j) Any **marine mammal strikes, entanglements, injuries or deaths are reported** to the Department of Conservation and the EPA as soon as practicable, but no later than five (5) working days, following any such event; (k) **If a strike, entanglement, injury or death involves Maui or Hector's dolphin, and the carcass is recovered**, the Department of Conservation and the EPA must be notified immediately of that recovery.	

Released under the Official Information Act

Topic	Second EEZ application August 2016	TTR Revised Proposed Conditions 25 May 2017	FT 2025 application	Comment
	requirements) maintain a minimum altitude of 600 m (2,000 feet) except when landing and taking off; The Consent Holder shall report any marine mammal strikes, entanglements, injuries or deaths to DOC and the EPA as soon as practicable following any such event; If a, strike, entanglement, injury or death involves Maui's or Hector's Dolphin, the Consent Holder shall, where possible, recover the carcass, immediately notify DOC and the EPA of that recovery and return it to shore as soon as possible for collection by DOC subject to the Consent Holder's obligations under the Marine Mammals Protection Act 1978 or any subsequent Regulations; The Consent Holder shall keep records of all sightings of marine mammals (except seals). All records shall be contained in an Observation Log and be made available to EPA and / or DOC staff upon request and Annual Report required by Condition 79; and Any other relevant operational response in relation to marine mammals that has been certified by the EPA. Any observer engaged by the Consent Holder shall first be approved by the EPA in accordance with s67(3) of the EEZ Act.		The consent holder must ensure the carcass is **returned to shore as soon as practicable**, but no later than five (5) working days following such event, for collection by the Department of Conservation subject to the Consent Holder's obligations under the Marine Mammals Protection Act 1978 or any subsequent Regulations; and (l) Any other relevant operational response in relation to marine mammals that has been approved by the EPA is undertaken. For the purpose of this condition, any observer engaged by the Consent Holder must be a trained and/or qualified observer as defined in the 2013 Department of Conservation Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations (or any subsequent updated Code of Conduct). For the purpose of this condition, the term 'in motion' refers to any period when the Consent Holder's operational vessels are moving under the power of their own engines and travelling at a speed greater than 5 knots. It does not apply to movement of the IMV at those times when it is anchored to the seabed. For the purpose of this condition, the term 'large cetaceans' refers to any of the following marine mammal species: • All members of the Mysticeti group (i.e. Baleen whales); and/or • All members of the Physeteriodea group (i.e. Sperm whales); and/or • All members of the Ziphioidea group (i.e. Beaked whales); and/or • All members of the Globicephala group (i.e. Pilot whales); and/or • All members of the Orcinus group (i.e. Killer whales).	
Underwater noise	**Does not have the new 12A, 12B, 12BB, 12BC, and 12C** that the TTRL revised Proposed conditions May 2017 has that are carried over into the FT appln as conditions 12 - 17 (**12**) The same as the TTRL revised Proposed conditions May 2017 and FT 2025 – except 12. f. I is changed: **DOC/TTR agreed 2016** Within one (1) month of commencement of iron sand extraction activities and if less than 80% of full production condition, a further measurement will be made within one (1) month of iron sand extraction activities reaching 90% of full production conditions; **TTRL Revised May 2017 and FT 2025** Within twenty (20) working days of seabed material extraction activities reaching no less than 90% of full	(**12**) the same as FT 2025 condition 11	(**11**) At all times during the operation of marine vessels and/or project equipment: a. The combined noise from the IMV and the Crawler operating under representative full production conditions must be measured at a nominal depth of ten (10) m below the sea surface and at 300 m, 500 m, 750 m and 1,000 m from the port or starboard side of the IMV; b. The overall combined noise level at 500 metres from the IMV must not exceed 130 dB re 1µPa RMS linear in any of the following frequency ranges: low frequency 10-100 Hz, mid-frequency 100-10,000 Hz, and high frequency >10,000 Hz; c. The overall combined noise level at a nominal depth of ten (10) m below the sea surface and 500 m from the	Sub-condition (a) is the same in all three versions but I'm not sure what "representative" means? All three versions have an Advice Note: *"For the purpose of this condition, the reference to "full production conditions" equates to an operational extraction of 8,000 tonnes per hour"*

Released under the Official Information Act

Topic	Second EEZ application August 2016	TTR Revised Proposed Conditions 25 May 2017	FT 2025 application	Comment
	production but no later than six (6) months following the commencement of the seabed material extraction activities, the Consent Holder shall undertake continuous noise measurement for a period of no less than six (6) weeks;		IMV, across all frequencies must not exceed a sound pressure level of 135 dB re 1µPa RMS linear; d. Measurements must be undertaken in calm sea conditions (e.g. Beaufort sea state less than three (3) (beginning of white-capping)), with no precipitation and no external noise sources (e.g. passing ships); e. The monitoring equipment must be calibrated before and after measurements; and f. The combined noise must be monitored: i. Within twenty (20) working days of seabed material extraction activities reaching no less than 90% of full production but no later than six (6) months following the commencement of the seabed material extraction activities, the Consent Holder must undertake continuous noise measurement for a period of no less than six (6) weeks; ii. An additional two (2) times in the first twelve (12) months of the commencement of 90% of full production. Each measurement being separated by a period of at least six (6) months; iii. Annually for the following four (4) years; iv. Every five (5) years thereafter; and v. At any time reasonably requested by the EPA. Should the operation of the IMV and Crawler be altered in any way which may change the magnitude or character of the underwater noise production, additional noise monitoring must be undertaken within twenty (20) working days of the change to demonstrate compliance with Condition 11.b. has been maintained. Advice note: For the purpose of this condition, the reference to "full production conditions" equates to an operational extraction of 8,000 tonnes per hour as required by Condition 4.a.	
	No equivalent	(**12A**) the same as FT 2025 condition 12	(**12**) The Consent Holder must design and construct the crawler and IMV to achieve, at full production, a total combined noise source level (measured in water), of not more than 177 dB re 1µPa RMS linear at one (1) metre.	
	No equivalent	(**12B**) the same as FT 2025 condition 13	(**13**) Prior to deployment in New Zealand, the Consent Holder must obtain certification from a suitably qualified and experienced acoustic engineer that the crawler and IMV has been designed to achieve the criterion set out in Condition 12 above, and that the criterion set out in Condition 12 has been demonstrated for full production operation during pre-deployment commissioning. The testing undertaken in accordance with this condition must include both theoretical assessment and noise data collected from field measurements during pre-deployment commissioning.	
	No equivalent	(**12BB**) essentially the same as FT 2025 condition 14	(**14**) The Consent Holder must not commence extraction activities authorised by these consents until the	

Released under the Official Information Act

Topic	Second EEZ application August 2016	TTR Revised Proposed Conditions 25 May 2017	FT 2025 application	Comment
			certification required by Condition 13 has been provided to the EPA.	
	No equivalent	(**12 BC**) essentially the same as FT 2025 condition 15	(**15**) The Consent Holder must undertake noise monitoring in the vicinity of the IMV and crawler once per week during the period referred to in Condition 11.f.i., in order to assess compliance with the criterion set out in Condition 12.	
	No equivalent	(**12C**) essentially the same as FT 2025 condition 16	(**16**) Underwater monitoring of the total combined noise from the crawler and IMV must also occur at the same times as monitoring is undertaken under Conditions 11.f.ii to v.	
			(**17**) At the commencement of the operations authorised by these consents, the Consent Holder must undertake robust underwater propagation modelling using empirical underwater noise data (i.e. as detailed and collected in Condition 11) to estimate the distance of the 120 dB contour from the noise source as identified in Schedule 7.	This is new– unless in a different location in the early applns - but good. Sch 7 is a chart showing the mining permit area with an irregular polygon around it "…an indicative location based on the combined operation of the IMV (Integrated Mining Vessel) and crawler when operating at the centre of the mining site"
	(**13**) same as TTRL 2017 & FT condition 18 but missing (d)	(**13**) same as FT condition 18 but missing (d)	(**18**) Within twenty (20) working days of any noise monitoring undertaken in accordance with Condition 11 and/or 17, the Consent Holder must provide a detailed report on the monitoring and results to the EPA. As a minimum, this report must include: a. Details of the equipment used, and calibration methods used; and b. A description of the measurement conditions and location; and c. A summary of the noise levels measured, including broadband and one third octave band frequency data and compliance of the operation with respect to the noise standards specified in Condition 11; and / or d. At the commencement of operations, validation of the noise model and confirmation of the extent of the predicted 120 dB contour (as shown by Schedule 7) generated by the IMV and crawler when operating at the centre of the mining area as specified in Condition 17.	*For context – summary of 11, 12, 13, 17* (11) Noise measurements from the IMV and the crawler, 10m depth @ 300m, 500m, 750m, 1000m. Has limits that must not be exceeded at certain dB and frequencies. A detailed sub-conditions about combined noise over different time periods. (12) Crawler and IMV to be designed so they don't exceed 177dB re 1µPa RMS linear at one (1) metre – and this be certified by an acoustic engineer (13). Measured once a week (condition 11.f.i.) (17) requires robust underwater modelling at the commencement of operations – using noise data as set out and collected under conditions 11, to estimate the distance of the 120dB contour from the noise source as identified in Sch 7.
Archaeological remains (ship wrecks)	All three sets conditions the same	All three sets conditions the same	All three sets conditions the same	All three sets conditions the same
Operational controls **Vessel and Operational Management**	(**53**) The same as TTRL 2017. (**64**) "…shall only use, or place, one Crawler on the seabed at any time."	(**20**) the same as FT 2025 (24) except FT 2025 incls: • the limit that only 1 crawler can be in use or in place at any time. • The recording requirement in the 2nd para includes "…below the pre-mined seabed level…"	(**24**) When utilising the Crawler, the maximum cut depths must not exceed eleven (11) m below the pre-mined seabed level. **Only one (1) Crawler is permitted to be in use, or in place, on the seabed at any time.** When operating the crawler, the Consent Holder must continuously record the cut depth **below the pre-mined seabed level** and report on this as part of the Quarterly Operational Report required by Condition 103.	
	No equivalent ?? (that I've found)	(**21**) same as FT 2025	(**25**) sets requirements for the anchoring of the IMV	
	(**54**) The Consent Holder shall ensure that the discharge of all de-ored sediment from **the hydro-cyclone overflow and the hyperbaric filter**, takes place by	(**22**) the same as FT 2025 (24) except FT 2025 incls:	(**26**) The discharge of all de-ored sediment from the IMV, must be by a dedicated pipe which discharges at a nominal distance of four (4) m above the seabed.	TTR/DPC agreed 2016 uses: "sediment from the hydro-cyclone overflow and the hyperbaric filter"

Released under the Official Information Act

Topic	Second EEZ application August 2016	TTR Revised Proposed Conditions 25 May 2017	FT 2025 application	Comment
	means of a dedicated pipe which discharges from the Integrated Mining Vessel at a nominal distance of 4 m above the seabed, **and at a maximum rate of XX. Monitoring and recording of Particle Size Distribution, and the rate and volume of the discharge shall be continuously recorded.** The information collected during recording and monitoring of this condition shall be reported on as part of the Quarterly Operational Report required by Condition 78.	"...All mounds remaining at the beginning of each lane must be no higher than four (4) m above the level of the original seabed..."	The height and GPS position of any mounds created on the seabed as a result of the deposition of de-ored sediments must be recorded and reported on in the Quarterly Operational Report required by Condition 103. Re-deposition mound heights must be recorded with accuracy for both height and location of +/- one (1) m. **All mounds remaining at the beginning of each lane must be no higher than four (4) m above the level of the original seabed.** For the purpose of this condition, the 'seabed' refers to the area immediately below the point of discharge, whether that be the natural seabed or the base of the mining pit.	whereas TTRL 2017 and FT 2025 uses: "sediment from the IMV.." (IMV = Integrated Mining Vessel) The DOC/TTR agreed 2016 condition 54 also indicates it was to include a maximum rate of discharge and was to monitor particle size distribution – this may be elsewhere in the subsequent conditions. FT 2025 sets a limit of 4m for mound height – not in the DOC/TTR 2016 or TTR 2027
	(**55**) essentially the same as TTRL 2017 (23) and FT 2025 (27)	(**23**) essentially the same as FT 2025 (27)	(**27**) ... direct discharge or deposition of de-ored sediment onto the seabed does not occur within 300 m of the seaward boundary of the Coastal Marine Area.	
	(**56**) the same as TTRL 2017 (24) and essentially is the same as FT 2025 (28) & (29)	(**24**) essentially the same as FT 2025 (28) – except includes 29 (c) of FT2025 condition 29 "The average and maximum depth and GPS position of any unfilled pits remaining after completion of a mining lane shall be recorded and reported in the Quarterly Operational Report required by Condition 98."	(**28**) ... all pits remaining at the end of each mining lane must be no more than ten (10) m maximum depth and five (5) m average depth below the pre-mined seabed level.	
	(**57**) the same as TTRL 2017 (25) and essentially is the same as FT 2025 (28) & (29)	(**25**) essentially the same as FT 2025 (29) – except it incorporates (c) into condition (24)	(**29**) ... must ensure that: a. Pits created by the removal of seabed material, other than those at the end of each mining lane, are backfilled using de-ored sediments; and b. Other than at the commencement of each mining lane, all de-ored sediment is backfilled into the mining lanes; and c. The average depth, maximum depth and GPS position of any unfilled pits remaining after completion of a mining lane must be recorded and reported in the Quarterly Operational Report required by Condition 103	
	(**58**) The Consent Holder shall ensure re-deposition mounds **at the start of each mining lane** are no higher than 9 m above the pre-mined seabed level. The height and GPS position of any such mounds created during the deposition of de-ored sediments shall be recorded and reported on in the Quarterly Operational Report required by Condition 78			No equivalent of DOC/TTR agreed condition 58 in the TTRL 2017 revised conditions or the FT 2025 conditions
Effects on existing interests	No equivalent Only mention of existing interests is in condition (51) - Collision (Loss of Position) Contingency Management Plan which shall be prepared following consultation with MNZ.	Conditions 26-28 – same as FT 2025 30-32	Conditions 30-32	
Spill prevention	No equivalent	Conditions 28-29 - same as FT 2025 33-34	Conditions 33-34	
Operational Vessel – "Soft	Conditions 59 – 60 - essentially the same as TTRL 2017 conditions 31 - 32 and FT 2025 35-36.	Conditions 31 & 32 – essentially the same as FT 2025 conditions 35-36	(**35**) Any start-up of the IMV, Crawler and associated plant, whether related to commencement or re-commencement of operations after a break, of the	Overall, retention or requirements and distance and times frames

Released under the Official Information Act

Topic	Second EEZ application August 2016	TTR Revised Proposed Conditions 25 May 2017	FT 2025 application	Comment
Starts"	Only difference is requirement that: "Any observer engaged by the Consent Holder shall first be approved by the EPA in accordance with s67(3) of the EEZ Act."		seabed material extraction activities authorised by these consents must be completed as a "soft start", whereby equipment is gradually increased in power over at least a twenty (20) minute period. Soft starts must only commence in daylight hours and when there is at least 500 metres of visibility. (**36**) Prior to each start-up, the Consent Holder must use **suitably trained marine mammal observer(s), in accordance with Condition 88**, to monitor the area within a 500 metre radius (mitigation zone) of the IMV for at least 30 minutes prior to start up. There must be no whales or dolphins present within a 500 metre radius (mitigation zone) of the IMV at start up. If any whales or dolphins are observed in the mitigation zone during pre-start observations, then the start-up must be delayed until the whales or dolphins are seen to leave the mitigation zone or have not been detected within the mitigation zone for a further thirty (30) minutes from the last sighting. A record of pre-start observations must be kept and made available to the EPA on request and included in the Quarterly Operational Report required by Condition 103 and the Annual Report required by Condition 104. For the purpose of this condition, any observer engaged by the Consent Holder must be a trained or qualified observer as defined in the **2013 Department of Conservation Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations (or any subsequent updated Code of Conduct.**	FT 2025 condition 36 says the observer is to be trained in accordance with condition 88. Condition 88 refers to s 25(1)(b)(i) of the EEZ Act. And uses words like "appropriate" and "…including but not limited to training on…" It does state: "Their obligations under the Marine Mammals Protection Act 1978 and Marine Mammals Protection Regulations 1992, or any superseding legislation." And: "A record of all training carried out in accordance with this condition must be maintained by the Consent Holder and made available to the EPA upon request." But does not require EPA approval.
Discharges from the Operational Vessels	Same	same	same	All three sets conditions the same
Biosecurity management	Conditions 72-77	Conditions 38-42	Conditions 42-46	All essentially the same but the FT 2025 conditions have been updated to reflect updated regulatory control of ballast water and vessel hull biofouling. The FT 2025 version are better than the DOC/TTR 2016 agreed conditions.
Pre-commencement Environmental Monitoring Plan	**Baseline Environmental Monitoring** (**14**) Didn't include the following that FT 2025 does: "…and seafloor…" in (b) f. Heavy metals g. Oceanography; h. Primary production; i. Zooplankton; The rest of condition (14) is captured in FT condition (48) – but FT 2025 includes more	(**43**) Didn't include the following that FT 2025 does: g. Oceanography; h. Primary production; i. Zooplankton; TTR 2017 included the following but FT 2025 doesn't: • Beach profiles; The rest of condition (43) is captured in FT 2025 condition (48) – but FT 2025 includes more	(**47**) …must undertake a minimum of two (2) years of pre-commencement environmental monitoring in accordance with Conditions 48 – 51 which, as a minimum, includes: a. Suspended sediment concentrations; b. Suspended **and seafloor** sediment quality; c. Subtidal and intertidal biology; d. Optical water quality; e. Physio-chemical parameters; f. Heavy metals; g. Oceanography; h. Primary production; i. Zooplankton;	Same requirement of a minimum of 2 years pre-commencement/baseline monitoring across all 3 sets of conditions. FT 2025 includes three additional parameters But excludes "beach profiles" that the TTR revised 2017 conditions included. Overall 5 more parameters compared to the DCO/TTR agreed conditions 2016

Released under the Official Information Act

Topic	Second EEZ application August 2016	TTR Revised Proposed Conditions 25 May 2017	FT 2025 application	Comment
			j. Seafood resources; k. Marine mammals; l. Underwater noise; m. Seabirds; n. Commercial fishing; and o. Recreational fishing. The Consent Holder must also undertake testing and monitoring of the matters, and for the purposes, set out in Schedule 6	
	Essentially the same as FT 2025 – except FT 2025 has the addition of f. Other parts of FT 2025 condition 48 are consistent with condition (14) as agreed between TTR and DOC in 2016	Essentially the same as FT 2025 – except FT 2025 has the addition of f.	(**48**) requires the monitoring of the parameters listed in 47 to be undertaken in accordance with a "… certified Pre-commencement Environmental Monitoring Plan ("PCEMP")" The purpose of the PCEMP is to: a. Establish a set of environmental data that identifies **natural background levels while considering spatial and temporal variation;** b. Confirm the current **understanding of the seasonality and natural variability** of environmental parameters that will be monitored during seabed material extraction activities; c. **Provide data to validate the background data used in the Operational Sediment Plume Model** (Condition 52), which predicts the sediment transportation processes in the South Taranaki Bight; and d. **Provide data to verify that the 'SSC Limit' values in Schedule 2 are appropriate following the validation of the Operational Sediment Plume Model** (Condition 52); and e. Ensure compliance with all regulatory requirements and guidelines; and f. **Provide data to establish the proxy relationship between turbidity and SCC at the monitoring sites listed in Schedule 2 and at a control site.** Then has details about roles and responsibilities, objectives, parameter monitoring details, data analysis, and report methods. The PCEMP must be **prepared by a suitably qualified and experienced person(s) in and be generally consistent with the draft BEMP dated August 2016.** The PCEMP must be **independently peer reviewed by a suitably qualified and experienced person(s)** and then **provided to the Technical Review Group ("TRG") (Condition 60) for confirmation that the intended monitoring meets the purposes of the PCEMP as set out in this condition.** **The PCEMP, together with comments and recommendations of the TRG, including, where necessary, an explanation as to why a TRG**	FT 2025 includes f. that the two other sets of conditions do not have. The details about roles and responsibilities, objectives, parameter monitoring details, data analysis, and report methods – are the same for all three sets of conditions. Overall the requirements of conditions 47 & 48 FT 2025 are consistent with condition 14 as agreed between DOC and TTR in 2016

Released under the Official Information Act

Topic	Second EEZ application August 2016	TTR Revised Proposed Conditions 25 May 2017	FT 2025 application	Comment
			recommendation has not been accepted, must be submitted to the EPA for certification that the PCEMP meets the requirements of this condition. The pre-commencement monitoring required by these consents must be undertaken in accordance with the certified PCEMP. *Advice Note: The PCEMP is a renaming of the draft BEMP (Baseline Environmental Monitoring Plan) referred to in Condition 48.*	
	Essentially the same as FT 2025	Essentially the same as FT 2025	(**49**) allows the consent holder to amend the PCEMP at any time prior to the commencement of the extraction activities – provided any amendments are prepared by a suitably qualified and experienced person(s) and then independently peer reviewed by a suitably qualified of experienced person(s), and then reviewed by the Technical Review Group ("TRG") - unless the EPA confirms that a peer review is not necessary. Any amendment has to be certified by the EPA as being consistent with purposes of, and follows the preparation and review processes of, Condition 48.	
	(**16**) For the purpose of **all monitoring in accordance with the conditions of these consents**, the Consent Holder shall undertake monitoring at all times except:	(**45**) For the purpose of **all monitoring in accordance with the conditions of these consents**, the Consent Holder shall undertake monitoring at all required times except:	(**50**) The **pre-commencement monitoring required by the PCEMP must be undertaken at all required times except**: a. During a mechanical or technical breakdown or malfunction of monitoring equipment; or b. Where monitoring equipment has been damaged or is being replaced; or c. Due to unforeseen circumstances. If any of the above situations occur, the Consent Holder must notify the EPA as soon as practicable, but no later than twenty four (24) hours of the situation arising and identify: a. What monitoring was affected and how for long; and b. When the monitoring will recommence.	Condition 50 of the FT 2025 refers only to the **pre-commencement monitoring required by the PCEMP – whereas** with condition 16 as agreed between DOC and TTR in 2016 and 45 of the TTR revised conditions 2017 both refer to "…**all monitoring in accordance with the conditions of these consents…**" The circumstances and actions are the same across all 3 sets of conditions
	(17) Essentially the same as FT 2025	(46) Essentially the same as FT 2025	(51) Before seabed extraction and after the completion of the pre-commencement environmental monitoring required under Conditions 47 and 48 … the SSC Limits in Schedule 2 must be reviewed utilising the methodology specified in Schedule 3 … by suitably qualified and experienced person(s) and submitted to the TRG for review and comment prior to being submitted to the EPA for certification.	
OPERATIONAL SEDIMENT PLUME MODEL	(**18**) Essentially the same as FT 2025 (**19**) Calibration & validation – included in FT 2025 condition 52	(**47**) Essentially the same as FT 2025 (**48**) Calibration & validation – included in FT 2025 condition 52	(**52**) has some additional requirements not included in the DOC/TTRC agreed conditions: "The calibration and validation exercise must review the modelled and measured sediment plume properties. The Consent Holder **must review whether the benthic ecology and SSC monitoring sites are appropriately located to detect any** adverse effect of SSC and report the outcome of that review to the TRG under Condition	

Released under the Official Information Act

Topic	Second EEZ application August 2016	TTR Revised Proposed Conditions 25 May 2017	FT 2025 application	Comment
			60.b. **Any change to the location of benthic ecology or SSC monitoring sites must be by way of a change of conditions**."	
ENVIRONMENTAL MONITORING REQUIREMENTS	(**20**)	(**49**)	(**54**) Following the completion of the pre-commencement monitoring required by Conditions 47 and 48 and the review of the SSC Limits required by Condition 51, the Consent Holder must, as a minimum, undertake monitoring of: - same list as parameters listed above under condition 47 The Consent Holder must also undertake testing and monitoring of the matters, and for the purposes, set out in Schedule 6. For the avoidance of doubt, both Schedule 6 and the matters set out above in this condition must be addressed.	Similar to Condition 47 above, FT 2025 includes three additional parameters But excludes "beach profiles" that the TTR revised 2017 conditions included. Overall 5 more parameters compared to the DOC/TTR agreed conditions 2016
	(**21**) & (**22**)	**Environmental Management and Monitoring Plan** (**50**)	**Environmental Management and Monitoring Plan** (**55**)... must ensure that the monitoring required by Condition 54 and Schedule 6 is appropriate to ensure that the activities authorised by these consents do not result in any adverse effects that were not anticipated at the time of the granting of these consents. The EMMP must, as a minimum: a. Identify the **sampling design and methodology** for each of the parameters being monitored, **including the frequency, duration and monitoring locations;** b. Describe how the results of the pre-commencement environmental monitoring programme provided for in the PCEMP has been incorporated into the EMMP (Condition 48); c. Outline the process for the **on-going validation of the OSPM including the calibration and validation of the plume component of the model** (Condition 52); d. Identify the **limits contained in the ISQG-High values** (Condition 6); e. Specify **procedures for comparing the monitoring data against the background data that assist in determining if any activities authorised by the consents have resulted in adverse effects that were not anticipated at the time of the granting, including recovery of the benthic environment**, as defined in Condition 7; f. Identify the **TRG membership**, and their evaluation process in accordance with Conditions 60 – 64; g. Identify the **operational responses** to be undertaken if unanticipated adverse effects are identified; h. Detail **data analysis and processing for all parameters** being monitored; i. Define the **reporting methods and schedule for all parameters being monitored;** and	j. "To continue the ongoing calibration of the relationship between SSC and turbidity" – is additional to the requirements in the conditions as agreed between DOC and TTR in 2016 and the TTR revised conditions 2017.

Released under the Official Information Act

Topic	Second EEZ application August 2016	TTR Revised Proposed Conditions 25 May 2017	FT 2025 application	Comment
			j. To continue the **ongoing calibration of the relationship between SSC and turbidity.**	
	(23)	(51)	(56) relates to amending the EMMP	All consistent.
	(**24**)	**Post-Extraction Benthic Recovery Monitoring**	**Post-Extraction Benthic Recovery Monitoring** (**57**) Following the completion of the seabed material extraction activities authorised by these consents, the Consent Holder must undertake **five (5) years post-extraction monitoring** of the biological environment, including heavy metal concentrations, within the consent area and its surrounds, the purpose of which is **to assess whether recovery of the benthic environment, as defined in Condition 8, has been achieved**. A Post-extraction Monitoring Plan ("PEMP") must be approved by EPA at least 3 months before extraction activities end - prepared by a suitably qualified and experienced person(s) and must then be peer reviewed by the TRG (Condition 60) to confirm that the PEMP meets the purposes of the PEMP.	
	(**25**) is the same as TTR Revised conditions 2017 (53)	(**53**) Within twenty (**20) working days of each anniversary of the commencement** of the post-extraction monitoring programme, the Consent Holder shall, following consultation with the TRG, prepare and lodge with the EPA, **an Annual Post-extraction Monitoring Report** that includes as a minimum: a. The monitoring undertaken in the previous twelve (12) month period; b. The monitoring to be undertaken in the next twelve (12) month period; c. Data collected from the monitoring undertaken and a comparison against all relevant environmental limits specified in the conditions of these consents;; d. Any remediation undertaken and the results of any such remediation; e. A summary of any commentary or recommendations from the TRG and, where necessary, an explanation as to why any TRG recommendation has not been accepted; and f. A summary report of the findings of the monitoring undertaken with conclusions drawn as to the recovery and overall biological heath of the extraction area.	No equivalent – likely not necessary as could be set out in the PEMP	
	(**26**)	(**54**)	(**58**) ...within 3 months of completing the post-extraction monitoring programme, a final post -extraction monitoring report prepared in consultation with the TRG, must be lodged with EPA	
	Data Collection (**27**) Same	**Laboratory Accreditation** (**55**) Same	**Laboratory Accreditation** (**59**) All laboratory based analyses undertaken in conjunction with the requirements of these consents must be performed by an IANZ accredited laboratory or, where applicable, any other accredited laboratory.	
TECHNICAL REVIEW GROUP	(**28**) At least **3 months** before commencement of BEMP • Included the consent holder on the TRG • Did not include the Kupe Operator on the TRG	(**56**) Essentially the same as FT 2025	(**60**) At least six (**6) months** prior to the commencement of the PCEMP • TRG to be formed	The DOC/TTR agreed conditions 2016, condition 28 RE: TRG is related only to the BEMP – whereas the TTR 2017 conditions and the FT 2025 incl both the PCEMP and the EMMP

Released under the Official Information Act

Topic	Second EEZ application August 2016	TTR Revised Proposed Conditions 25 May 2017	FT 2025 application	Comment
	Otherwise essentially the same as FT 2025		• Role to provide Technical advice to the consent holder • Parties to nominate rep to the TRG: o Taranaki Regional Council; o Fisheries Inshore New Zealand; o The Kaitiakitanga Reference Group; o Te Tai Hauāuru Regional Fishing Forum; o The Department of Conservation; and o The Kupe Operator	
	(**29**) The Consent Holder shall maintain the Technical Review Group for the duration of these consents, and beyond as necessary, to provide for the review and commentary on any post-extraction monitoring undertaken in accordance with these consents.	(**59**) The Consent Holder **shall fund the administration of each meeting of the TRG and shall meet all actual and reasonable costs incurred by any other specialists seconded to the TRG**	(**61**) The Consent Holder must maintain the TRG for the duration of these consents, and beyond as necessary, to provide for the review and commentary on any post-extraction monitoring undertaken in accordance with these consents.	TTR/DOC agreed 2016 condition and the FT2025 condition are the same
	(**30**) … convening meetings…	Rolled into 59 – in brief	(**62**) … convening meetings…	TTR/DOC agreed 2016 condition and the FT2025 condition are the same
	(**31**)… funding admin and actual and reasonable costs…	Rolled into 59 – in brief	(**63**))… funding admin and actual and reasonable costs…	TTR/DOC agreed 2016 condition and the FT2025 condition are the same
	(**32**) …provision of minutes to the members, EPA, and **on consent holders website**	(**60**) same as FT 2025	(**64**) Minutes of each of the TRG meetings, **including the identification of any disagreements between the TRG members and any recommendations provided by the TRG to the Consent Holder**, must be taken and forwarded to its members, the Consent Holder, the Kaitiakitanga Reference Group, and the EPA, and provided on the Consent Holder's website (Condition 81), within ten (10) working days of any meeting being held. Minutes of each meeting must also be summarised in the Annual Report	FT 2025 is more specific about recording disagreements and recommendations. DOC/TTR agreed 2016 required posting minutes on consent holders website – not carried forward into FT2025.
MANAGEMENT PLANS **Seabird Effects Mitigation and Management Plan**	(**10**) At all times during the term of these consents, the Consent Holder shall comply with the **Seabird Effects Mitigation and Management Plan [SEMMP]** that has been prepared and implemented **following consultation with the Department of Conservation ("DOC"),** the purpose of which is that: a. There are no adverse effects **at a population level** of seabirds of the species classified under the New Zealand Threat Classification System as "**Nationally Endangered**", "**Nationally Critical**" or "**Nationally Vulnerable**" or classified "**Endangered**" or "**Vulnerable**" in the International Union for the Conservation of Nature "Red List"; and b. Adverse effects on seabirds including but not limited to effects arising from: i. Lighting; ii. Spills; and iii. The effect of sediment in the water column on diving birds that forage visually are avoided to the greatest extent practicable. The SEMMP shall as a minimum: i. Establish how to mitigate, and where possible avoid, adverse effects on seabirds from vessel lighting and	(**61**)	**Seabird Effects Mitigation and Management Plan** (**65**) The Consent Holder must **prepare a Seabird Effects Mitigation and Management Plan ("SEMMP") that has been prepared following consultation with the Department of Conservation and the KRG** (if it has been formed), which must, as a minimum: a. Set out how compliance with Condition 9 will be achieved; [the equivalent of (10) a. but diff classification levels. Condition 9 refers to effects from lighting, spills and sediment in the water] b. Set out indicators of adverse effects on seabird species that utilise the South Taranaki Bight **due to mortality or injury of seabirds of the species classified under the New Zealand Threat Classification System as "Threatened" or "At-risk"** or "**Threatened**" in the International Union for the Conservation of Nature "Red List"; c. Identify responses / actions to be undertaken by the Consent Holder if the indicators in (b) are reached; and d. Outline any monitoring requirements for bird strike due to vessel lighting and, where necessary, provide for procedures to alter vessel lighting and vessel operations to reduce the incidence of bird strike.	For FT 2025 you need to read conditions (9) and (65) together. FT 2025 (65) a. to d. are essentially the same as TTR/DOC agreed condition (10) i. to iv. - (as highlighted blue) – **but use different threat classification levels.** DOC/TTR agreed conditions 2016 use the language "…no adverse effects at a population level"

Released under the Official Information Act

Topic	Second EEZ application August 2016	TTR Revised Proposed Conditions 25 May 2017	FT 2025 application	Comment
	spills including the Integrated Mining Vessel, Floating Storage and Offloading Vessel and other support vessels; **ii. Establish indicators of adverse effects due to mortality or injury of seabirds of the species classified under the New Zealand Conservation Status as "Nationally Endangered", "Nationally Critical" or "Nationally Vulnerable" or classified "Endangered" or "Vulnerable" in the International Union for the Conservation of Nature "Red List";** iii. Identify responses/ actions to be undertaken by the Consent Holder if the indicators in (ii) are reached; and iv. Outline any monitoring requirements for bird strike due to vessel lighting and, where necessary, provide for procedures to alter vessel lighting and vessel operations to reduce the incidence of bird strike. The SEMMP shall be prepared by a suitably qualified and experienced person(s) and submitted to the EPA for approval in a technical certification capacity that the requirements of this condition have been met.		The SEMMP must be prepared by a suitably qualified and experienced person(s) in general accordance with the draft SEMMP dated April 2025 and submitted to the EPA for certification that the requirements of this condition have been met. No seabed material extraction may commence until the SEMMP has been certified by the EPA. The Consent Holder may amend the SEMMP at any time provided the amendments have been prepared following consultation with the Department of Conservation, and any amendments are consistent with the purpose of this condition. Any amendments to the SEMMP must be submitted to the EPA for certification and may only be implemented following certification by the EPA that the amended SEMMP meets the requirements of this condition. Where certification of an amended plan is not received, the Consent Holder must continue to use the plan which was in place prior to the lodgement of the amended plan. The activities must be undertaken in accordance with the latest certified SEMMP. A copy of the certified SEMMP, or any subsequently certified amendment, must be held on-board each of the Consent Holder's project vessels and at the Consent Holder's head office.	
MARINE MAMMAL MANAGEMENT PLAN	(**11**) Notwithstanding the requirements of Conditions 12 or 49 and 60, with respect to marine mammals (excluding seals), the Consent Holder shall comply with the following: a. The Marine Mammal Management Plan that has been prepared and implemented following consultation with DOC, the purpose of which is: • There are no adverse effects at a population level on: o Blue whales; or o Marine mammal species classified under the New Zealand Threat Classification System as "Nationally Endangered", "Nationally Critical" or "Nationally Vulnerable"; or o Marine mammal species classified as "Endangered" or "Vulnerable" in the International Union for the Conservation of Nature "Red List"; • Adverse effects on marine mammals include but are not limited to effects arising from: o Noise; o Collision and entanglement; o Spills; and	(**62**) same as FT 2025	(**66**) The Consent Holder must prepare a Marine Mammal Management Plan ("MMMP") following consultation with the Department of Conservation and the KRG (if it has been formed), which must, as a minimum, set out: a. How compliance with Condition 10 will be achieved; and b. Procedures and protocols to minimise the risk of marine mammal entanglement; and c. Set out indicators of adverse effects on marine mammals that utilise the South Taranaki Bight listed in Condition 10.a.; and d. A framework relating to marine mammal operational responses; and e. Integrate any obligations under the Marine Mammals Protection Act 1978 and Marine Mammals Protection Regulations 1992, or any superseding legislation. The MMMP must be prepared by a suitably qualified and experienced person(s) in general accordance with the draft MMMP dated April 2025 and submitted to the EPA for certification that the requirements of this condition have been met. The seabed material extraction activities authorised by these consents must not commence until the MMMP has been certified by the EPA.	For FT 2025 you need to read conditions (10) and (64) together. FT 2025 (66) a. to e. are similar to but not the same as TTR/DOC agreed condition (11) a. first 2 black bullets. Condition 10: "….must ensure that: (a) There are no adverse effects as a result of the activities on: i. **Blue whales**; or ii. **Marine mammal species classified** under the New Zealand Threat Classification System as "Nationally Endangered", "Nationally Critical" or "Nationally Vulnerable", that utilise the SBT (b) For other species, **adverse effects on marine mammals are avoided to the greatest extent practicable**, including but not limited to effects arising from: i. Noise; ii. Collision and entanglement; iii. Spills; and iv. Sediment in the water column." Threat classification levels in FT 2025 (10)(a)(ii) are the same as those in TTR/DOC agreed condition (11)

Released under the Official Information Act

Topic	Second EEZ application August 2016	TTR Revised Proposed Conditions 25 May 2017	FT 2025 application	Comment
	○ The effects of sediment in the water column are avoided to the greatest extent practicable. The Marine Mammal Management Plan shall include as a minimum: i. Procedures and protocols to minimise the risk of whale and dolphin entanglement; and ii. A training framework relating to marine mammal operational responses; and iii. Integrate any obligations under the Marine Mammals Protection Act 1978 and Marine Mammals Protection Regulations 1992, or any subsequent Regulations. The MMMP shall be prepared by a suitably qualified and experienced person and submitted to the EPA for approval in a technical certification capacity that the requirements of this condition have been met. b. At all times during the exercise of these consents, the Consent Holder shall ensure that at least one (1) designated and trained marine mammal observer is on-board each of the operational vessels, but not including bulk carriers. While the vessel is in motion, the observer shall be in a position where a clear field of vision is provided over the forward section of the vessel and beyond the bow; c. The Consent Holder shall ensure that a video camera is placed in a prominent position on all operational vessels where a clear field of vision is provided over the forward section of the vessel, beyond the bow and to the sides of the bow, and be recording at all times while the vessel is in motion. Further to the camera, a monitoring screen shall be installed on the bridge of each vessel and the video feed from each of the cameras will be made available on the Consent Holder's website or such other website as may be established from time to time (Condition 42). The purpose of the cameras is to record passage of the vessels and any contact with marine mammals while in motion; d. The Consent Holder shall ensure that at all times its employees and contractors undertaking airborne, seagoing and watch-keeping duties are informed of their obligations under the Marine Mammals Protection Act 1978 and Marine Mammals Protection Regulations 1992 or any subsequent Regulations; e. The Consent Holder shall require all employees and contractors to record any sightings of whales or dolphins including the date, time and, where possible, GPS position of the vessel; f. The Consent Holder shall immediately report any sightings of Maui's or Hector's Dolphins to DOC;		Any amendments to the MMMP must be submitted to the EPA for certification and may only be implemented following certification from the EPA that the amended MMMP meets the requirements of this condition. Where certification of an amended plan is not received, the Consent Holder must continue to use the plan which was in place prior to the lodgement of the amended plan. The activities must be undertaken in accordance with the latest certified MMMP, a copy of which must be held on-board each of the Consent Holder's project vessels and at the Consent Holder's head office.	a. 2nd white bullet – **but does not include** (11) a. 3rd white bullet refs to the IUCN Red list

Released under the Official Information Act

Topic	Second EEZ application August 2016	TTR Revised Proposed Conditions 25 May 2017	FT 2025 application	Comment
	g. Masters of all vessels shall reduce speed to a safe minimum within 500 m of any large cetaceans and feeding aggregations of blue whales, and take all necessary steps to avoid contact with the animals by detouring around and, where practicable, maintaining a distance of at least 500 m from the animal/s; h. Helicopters servicing the operation shall (subject to compliance with Safety and Civil Aviation Authority requirements) maintain a minimum altitude of 600 m (2,000 feet) except when landing and taking off; i. The Consent Holder shall report any marine mammal strikes, entanglements, injuries or deaths to DOC and the EPA as soon as practicable following any such event; j. If a, strike, entanglement, injury or death involves Maui's or Hector's Dolphin, the Consent Holder shall, where possible, recover the carcass, immediately notify DOC and the EPA of that recovery and return it to shore as soon as possible for collection by DOC subject to the Consent Holder's obligations under the Marine Mammals Protection Act 1978 or any subsequent Regulations; k. The Consent Holder shall keep records of all sightings of marine mammals (except seals). All records shall be contained in an Observation Log and be made available to EPA and / or DOC staff upon request and Annual Report required by Condition 79; and l. Any other relevant operational response in relation to marine mammals that has been certified by the EPA. Any observer engaged by the Consent Holder shall first be approved by the EPA in accordance with s67(3) of the EEZ Act.			

Released under the Official Information Act

SCHEDULE 2 - SUSPENDED SEDIMENT CONCENTRATION (SSC) 'RESPONSE LIMIT' AND 'COMPLIANCE LIMIT' - 2016 agreed TTR/DOC conditions

South Taranaki Bight Sites	Percentiles (SSC mg/L)			
	Surface		Bottom	
	Response Limit - 80th	Compliance Limit - 95th	Response Limit - 80th	Compliance Limit - 95th
Rolling Grounds	0.3	1.1	3.5	15.3
Graham Bank	1.7	4.5	32.8	84
Source A to Whanganui 1 km	1.1	2.7	16.9	44.2
Source A to Whanganui 20 km	2.3	5.9	29	76.6
South Traps	6.3	11.1	37.7	97.4
North Traps	7.2	12.4	46.5	115
Tuteremoana	8.5	13.6	23.7	62.5

Note 1: The source of the numerical values of the levels of "naturally occurring" background limits contained in the Schedule 2 above have been derived from the sediment plume modelling ("no mining" scenario) which was informed by measurements of background sediment concentrations and other oceanographic parameters addressed by NIWA, as set out in the NIWA Oceanographic Measurements Report, the Nearshore Measurements Report, and the Remote Sensing Report. For the purposes of operational management, the response and compliance limits contained in Schedule 2 above are to be considered as inclusive of both natural and mining derived suspended sediment concentrations.

Note 2: Turbidity may be used as a proxy for suspended sediment concentrations when assessing against the limits in Schedule 2.

Note 3: The numerical values of Schedule 2 that represent the 80th and 95th percentile limits at a location may be amended by way of the process set out in Condition 17 but any change to the percentiles themselves (for instance amending 80th percentile to 85th) can only be changed by way of Condition 82.

Official Information Act
Released under the

South Taranaki Bight Sites	Background Percentiles (SSC mg/L)							
	Surface				Bottom			
	25th	50th	80th	95th	25th	50th	80th	95th
Rolling Grounds (WGS 1984: 39 57 22.58780 S, 174 22 29.90885 E)	TRG	TRG	0.3	1.1	TRG	TRG	3.5	15.3
Graham Bank (WGS 1984: 39 53 16.22020 S, 174 24 40.68384 E)	TRG	TRG	1.7	4.5	TRG	TRG	32.8	84
Source A to Whanganui 1 km (WGS 1984: 39 51 22.41692 S, 174 13 46.13207 E)	TRG	TRG	1.1	2.7	TRG	TRG	16.9	44.2
Source A to Whanganui 20 km (WGS 1984: 39 53 14.34932 S, 174 27 08.62846 E)	TRG	TRG	2.3	5.9	TRG	TRG	29	76.6
South Traps (WGS 1984: 39 51 53.21010 S, 174 32 48.75387 E)	TRG	TRG	6.3	11.1	TRG	TRG	37.7	97.4
North Traps (WGS 1984: 39 51 02.22374 S, 174 31 10.63364 E)	TRG	TRG	7.2	12.4	TRG	TRG	46.5	115
Tūteremoana (WGS 1984: 39 55 00.03802 S, 174 47 41.29085 E)	TRG	TRG	8.5	13.6	TRG	TRG	23.7	62.5
The Crack 1 (WGS 1984: 39 49 12.00 S, 174 15 00.00 E) provisional	TRG	TRG	TRG	TRG	TRG	TRG	TRG	TRG
The Crack 2 (WGS 1984: 39 51 00.00 S, 174 18 00.00 E) provisional	TRG	TRG	TRG	TRG	TRG	TRG	TRG	TRG
The "Project Reef" (location to be set by TRG)	TRG	TRG	TRG	TRG	TRG	TRG	TRG	TRG

Note 1: This schedule is referred to in conditions 5, 6, 48, 51 and Schedule 3.

Note 2: The source of the numerical values of the levels of "naturally occurring" 80th and 95th percentile background limits contained in this table are as set out in Daniel Govier's evidence (Appendix 10) 16 December 2016, and have been derived from the sediment plume modelling ("no mining" scenario) which was informed by measurements of background sediment concentrations and other oceanographic parameters addressed by NIWA, as set out in the NIWA Oceanographic Measurements Report, the Nearshore Measurements Report, and the Remote Sensing Report. For the purposes of operational management, the SSC Limits contained in this table are to be considered as inclusive of both natural and mining derived suspended sediment concentrations. All percentile values marked "TRG" are to be derived by the Technical Review Group. The SSC limits and location coordinates for The Crack 1 and 2, and The "Project Reef" are also to be derived by the TRG.

Note 3: Turbidity may be used as a proxy for suspended sediment concentrations when assessing against the limits in this table.

Note 4: The numerical values of this table that represent a percentile limit at a location may be amended by way of the process set out in Condition 51 but any change to the percentiles themselves (for instance amending 95th percentile to 90th) can only be changed by way of Condition 106 or in accordance with the EEZ Act.

Note 5: The 95th percentile is a fixed limit and is subject to Condition 5.a., unless subject to Condition 5.b. after the value has been modified under Condition 51. The 25th, 50th and 80th percentiles are subject to Condition 5.c. which allows variation of up to 10%

Offcial Information Act
Released under the

Item 4

From: 9(2)(a)
To: 9(2)(a) Renee Mattock; Danielle Gardiner
Cc: 9(2)(a)
Subject: RE: DOC"s neutral position on TTR
Date: Wednesday, 28 May 2025 5:31:52 pm
Attachments: image001.jpg
image002.jpg
Fast Track Approval Process, Taranak VTM Project, Subission Package, February 2025 (1) (5).pdf
TEMPLATE LETTER- re notification of VTM project (4).doc

Ngā mihi 9(2)(a) – just to tautoko based on feedback from our legal advisors.

DOC might need to urgently seek in house legal review on this. I'd like to request an update on the outcome of that, because the "neutral" decision affects our rights with respect to the legal duty of care of public authorities.

The good news is that, after conferring with our legal advisors and completing a thorough review of the Fast-Track Approvals Act, it is clear that it is not only possible for DOC to overturn their prior "neutral" position by opposing the current Fasttrack process, but we believe that it is required that DOC participates. Note that the current application is a new application under new applicable law i..e TTR only withdrew from the 2023 process in order to apply under Fasttrack Approvals Act as a **new application.** Therefore, no party is bound by any previous positions.

Furthermore, section 3 of the Act sets out that all resource consents must be assessed under "significant regional" benefits – which of course includes consideration of regional risks, including biological and habitat risks. DOC is legally mandated to advocate for conservation protections within Taranaki (and across the motu of course).

In addition, under section 53(2)(a) of the Act, the panel **must** seek comments from "relevant local authorities" which of course includes DOC. The Supreme Court made very clear that there is a large scope of DOC's mandate which is relevant under section 59 of the EEZ Act, not to mention the environmental areas which the Court found required further information. DOC is therefore liable to significant legal risk as public authority such that I do not think there is any scope to state "neutral" or otherwise not oppose the consent, when reading together all the legal obligations on DOC.

Looking forward to hearing back from DOC folks asap. I hope you don't mind that I'm speaking with my legally-trained pōtae on, arohamai, its hard to not slip into legalese but I sincerely hope to hear soon that DOC is taking a public position opposing seabed mining and advocating for conversation through participating in the panel. If its helpful, I'm also sharing a template for sending a letter to the EPA to seek to participate and legal analysis from the barrister 9(2)(a) at Magdalen Chambers re environmental harm which she gave consent to share with you and your team if helpful to the decision making process.

Ngā mihi, 9(2)(a).

Released under the Official Information Act

From: 9(2)(a)
Sent: Friday, 23 May 2025 2:41 pm
To: Renee Mattock <rmattock@doc.govt.nz>; Danielle Gardiner <dgardiner@doc.govt.nz>
Cc: 9(2)(a) 9(2)(a)
Subject: DOC's neutral position on TTR

Kia ora kōrua,

Thanks again to you both for coming down to visit yesterday, it is heartening to have such a good connection with our local DOC office and kaimahi.

I was just reading through TTR's application and noted that DOC have been named as having a neutral position on the 2016 application:

> "*The Department of Conservation, whose mandate includes the protection of marine mammals and seabirds, formerly opposed TTR's first application to the EPA in 2013. As a result of TTRL's consultation (prior to lodgement of its 2016 application with the EPA), the Department was satisfied that its concerns would all be addressed by conditions, and so adopted a neutral stance on TTR's 2016 applications.*"

I understand this is similar to the position that the department has recently faced regarding Te Ara o Te Ata and the Wildlife Act.

With the recent High Court Ruling - we hope that DOC will hold a staunch opposition of TTR's latest application!

Ngā mihi,

9(2)(a)

Released under the Official Information Act

Item 6

TEMPLATE LETTER

TO SEND TO EPA IDENTIFYING THAT YOU ARE AN AFFECTED PARTY WITH EXISTING INTERESTS AND NEED TO BE NOTIFIED OF THE TRANS-TASMAN REOSURCES LIMITED APPLICATION / THE TARANAKI VTM PROJECT TO MINE IRON ORE IN THE SOUTH TARANAKI BIGHT UNDER FAST TRACK

5 February 2025

[INSERT ANY LOGO HERE] [INSERT YOUR NAME & CONTACT]

X February 2025

To:
Fast Track Panel, for the Taranaki VTM Project
Once Established

Environmental Protection Authority
Colin Williams
Chair of the Environment Protection Authority
Private Bag 63002
Wellington 6140
New Zealand

By Email: info@epa.govt.nz

1. I am writing to you on behalf of [NAME OF YOUR ROPU], who are [EXPLAIN WHO YOU ARE] and speak onbehalf of [ETC, ETC].

2. We wish to be notified of the Taranai VTM Project under s53 and clause 5 of Schedule 10 of the Fast Track Approval Act 2024 (**FTAA**).

Released under the Official Information Act

3. We consider that we are affected parties in terms of s53(2) of the Fast Track Approval Act 2024 (**FTAA**) as [PICK ONE:
    a. A relevant local authority
    b. Relevant iwi authority
    c. Relevant treaty settlement entity
    d. An applicant group under the Marine and Coastal Area Act 2011, customary marin title group or protected customary rights group, whose rohe will be impacted]

OR IF NONE OF THE ABOVE THEN...

We consider that under clause 5 of Schedule 10 of the of the Fast Track Approval Act 2024 (**FTAA**) and s46(1)(b) (ii) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) we have an existing interest/s that will be affected by the proposed Taranaki VTM Project.

4. SET OUT IN ONE PARAGRAPH HOW YOUR INTERESTS WILL BE IMPACTED I.e

    This proposal will adversely impact our rohe moana and ability to excersise kaitiakitanga. Our rohe moana extends from x to x which captures [the proposed mining site / the area impacted by the sediment plume

    We fish in and around x, this is an area impacted by the sediment plume

    Etc

5. IF APPLICABLE: We participated in the previous hearings for the 2013 and 2016 TTRL application for marine consents to mine iron ore. SET OUT THE EXTENT OF PARTICIPATION- i.e did you go all the way up to the supreme court, did you provide evidence and present at the EPA hearings.

Released under the Official Information Act

6. For these reasons, we consider we are affected parties with existing interests that will be impacted by the project and it is appropriate under s53(3) that we have a chance to appear and present before the Fast Track Panel on this application.

7. We look forward to hearing from you.

Signed

Dated

Released under the Official Information Act

Item 7

From: Celia Haden
To: Jaimee Kirby-Brown; Ella Brownlie
Cc: Malcolm Lucas
Subject: RE: TTRL
Date: Tuesday, 8 July 2025 9:59:00 am
Attachments: image001.jpg

Thanks Jaimee
Ngā mihi
Celia Haden (she/her)
Principal Advisor Issues and Resolutions
Department of Conservation | Te Papa Atawhai

From: Jaimee Kirby-Brown
Sent: Tuesday, 8 July 2025 9:58 am
To: Celia Haden ; Ella Brownlie
Cc: Malcolm Lucas
Subject: Re: TTRL

Kia ora Celia,
We only have policy people on the implementation/administering agency side of MfE attend panel convener conferences, no lawyers.
From the fairly comprehensive summary note I have seen, there was no mention of DOC.
The PC confirmed that they would issue a post conference minute soon.
Ngā mihi
Jaimee

Jaimee Kirby-Brown (she/her)
Kaitohutohu Ture Mātāmua | Principal Legal Advisor

Ministry for the Environment | Manatū Mō Te Taiao
9(2)(a) | Jaimee.kirby-brown@mfe.govt.nz | mfe.govt.nz
Please note the content of this email may be legally privileged and confidential – please check with the author before forwarding any of this content outside the Ministry for the Environment.

From: Celia Haden <chaden@doc.govt.nz>
Sent: Tuesday, July 8, 2025 9:44 AM
To: Ella Brownlie <Ella.Brownlie@mfe.govt.nz>
Cc: Jaimee Kirby-Brown <Jaimee.Kirby-Brown@mfe.govt.nz>; Malcolm Lucas <mlucas@doc.govt.nz>
Subject: TTRL

Kia ora
I see the panel convenor conference for TTRL was scheduled for yesterday – I was wondering who from MFE attended (assuming it went ahead), and if the role for DOC was mentioned at all.
Ngā mihi
Celia Haden (she/her)
Principal Advisor Issues and Resolutions
Department of Conservation | Te Papa Atawhai

Conservation House Wellington | Whare Kaupapa Atawhai

Released under the Official Information Act

Level 3, 18 - 32 Manners St | PO Box 10 420, Wellington 6143
Toitū te Taiao.
We protect and restore nature.
www.doc.govt.nz
DOC logo horiztonal long.

Caution - This message and accompanying data may contain information that is confidential or subject to legal privilege. If you are not the intended recipient you are notified that any use, dissemination, distribution or copying of this message or data is prohibited. If you received this email in error, please notify us immediately and erase all copies of the message and attachments. We apologise for the inconvenience. Thank you.

Important: This email, including its attachments, may contain information that is confidential or legally privileged. You must not disclose confidential or legally privileged information outside the Crown without first gaining approval via the MfE Legal team. If you have received this email by mistake, please: (a) contact the sender and remove this email and the reply from your system; (b) do not act on, read, copy, use or distribute this email. Thank you.

Released under the Official Information Act

Item 8

From: Celia Haden
To: Christina Smits
Cc: Jenni Fitzgerald; Melita Raravula
Subject: RE: Taranaki VTM Panel convenor conference
Date: Friday, 18 July 2025 9:41:00 am
Attachments: image002.png
image003.jpg

Much appreciated Christina.

Ngā mihi

Celia Haden **(she/her)**
Principal Advisor Issues and Resolutions
Department of Conservation | Te Papa Atawhai

From: Christina Smits
Sent: Friday, 18 July 2025 9:40 am
To: Celia Haden
Cc: Jenni Fitzgerald ; Melita Raravula
Subject: Re: Taranaki VTM Panel convenor conference

Kia ora Celia
Thank you for spotting that. I have corrected the typo and uploaded the new document to the website. It should go live sometime this morning.
Also please note, that Melita is no longer the Application Lead for this project. Elliott Dennett is now taking that role.
Ngā mihi
Christina

Christina Smits
Advisor Regulatory Process

Fast-track is administered by the Environmental Protection Authority. The EPA's New Zealand Business Number is 9429041901977.

This email message and any attachment(s) are intended for the addressee(s) only. If you receive this message in error, please notify the sender and delete the message and any attachments.

From: Celia Haden <chaden@doc.govt.nz>
Sent: Friday, July 18, 2025 9:09 AM
To: Christina Smits <Christina.Smits@epa.govt.nz>
Cc: Jenni Fitzgerald <jefitzgerald@doc.govt.nz>; Melita Raravula <Melita.Raravula@epa.govt.nz>
Subject: Taranaki VTM Panel convenor conference

You don't often get email from chaden@doc.govt.nz. Learn why this is important

Kia ora Christina
I hope you are well. I was just reading the Minute issued on 17 July 2025 by the Panel Convenor regarding the convenor conference held on 7 July for the Taranaki VTM application. At para [3] it lists the attendees and includes the Department of

Released under the Official Information Act

Conservation (DOC) on behalf of the Director-General in the list.
However, for marine consents sought under the Fast-track Approvals Act, there is no statutory requirement to involve the Director-General, so DOC was (correctly) not invited to the conference, nor did it attend. So this para just has a typo that should be corrected by removing reference to DOC.
Hopefully this correction of the typo in that para could be done reasonably quickly to ensure no misunderstandings arise about the role of DOC at this point in the process.
I am very happy to discuss it with you if further clarification would assist 9(2)

[redacted]

Ngā mihi

Celia Haden (she/her)
Principal Advisor Issues and Resolutions
Department of Conservation | Te Papa Atawhai

Conservation House Wellington | Whare Kaupapa Atawhai
Level 3, 18 - 32 Manners St | PO Box 10 420, Wellington 6143
Toitū te Taiao.
We protect and restore nature.
www.doc.govt.nz



Caution - This message and accompanying data may contain information that is confidential or subject to legal privilege. If you are not the intended recipient you are notified that any use, dissemination, distribution or copying of this message or data is prohibited. If you received this email in error, please notify us immediately and erase all copies of the message and attachments. We apologise for the inconvenience. Thank you.

Released under the Official Information Act

Item 9

Roles for conservation agencies when marine consents are processed under the Fast-track Approvals Act 2024

This factsheet provides an overview of the roles for DOC, Conservation Boards, and the NZCA, when marine consents that would have been processed under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) are processed under the Fast-track Approvals Act 2024.

Background to the Fast-track Approvals Act and participation

The Fast-track Approvals Act 2024 (the Act) established a cross-government 'one-stop shop' where multiple statutory approvals can be sought through a single application process. It provides an alternative to current processes for resource consents, marine consents, and other approvals including approvals required under legislation administered by DOC such as concessions and wildlife approvals.

The decision to grant or decline substantive fast-track applications is made by expert panel(s) appointed under the Act. The fast-track process is administratively run by the EPA who support the panels.

There is no public notification step and the ability to participate in the process is prescribed by the Act. You can read more about the Fast-track process on the Fast-track website and the Ministry for the Environment website.

Roles for DOC and conservation agencies for the usual fast-track process

Where an applicant is seeking an approval required under the RMA or legislation administered by DOC then DOC is responsible for providing reports and comments. These are provided to the Minister for Infrastructure at referral stage and to the expert panel at the substantive application stage.

Conservation Boards and the NZCA have a statutory role to provide comments for these applications at the substantive application stage. These roles are set out in the attached flowcharts [*Flowcharts of roles of DOC and other conservation agencies under Fast-track processes*].

Also note that for all types of approvals under the Act, the Act sets out specified Māori groups that must be invited to comment. The ways in which these groups can be involved is set out on the attached flowcharts prepared by MFE [*Flowcharts of touchpoints for Māori groups under Fast-track processes*].

The fast-track process for marine consents

When an application under the fast-track process only seeks marine consents that would otherwise be required under the EEZ Act there are different roles for the conservation agencies.

The EPA, in addition to supporting the expert panel, is also the administering agency who write a report to the panel about the application and are invited to comment. The Ministry for the Environment is also an administering agency so will be invited to comment. DOC has no role to provide a report.

The list of who must be invited to comment does not include DOC, Conservation Boards or the NZCA so the ability for any of these entities to participate in the process is much more limited than if the application was processed under its usual legislation. The only avenue to be involved would be if the panel decided to invite DOC and/or the Conservation Board/ NZCA as "any other person the panel considers appropriate".

It is also not prescribed in the Act that the Minister of Conservation would be invited to comment based on having relevant portfolio as this will be a matter for the expert panel.

Released under the Official Information Act

Item 10

Flowcharts of engagement by DOC with Treaty partners under Fast-track processes

Released under the Official Information Act

UNCLASSIFIED

Referred projects process – DOC engagement with Treaty partners in context of Fast-track process

Before referral application lodgement

Relevant Māori Groups (including iwi authorities, Treaty settlement and other entities)

s11 Before lodging, the **applicant *must*** consult with (among others) ...

DOC as a relevant administering agency where conservation approvals needed engages with applicant about application and encourages applicant to consult with Treaty partners

DOC engages with Treaty partners at this stage to:
- provide information about project received by DOC during prelodgement consultation and check applicant has consulted with relevant Treaty partners;
- provide any other relevant information held by DOC regarding the application;
- request information about Treaty partner interests and impact of proposed conservation approval(s).

Information received will inform DOC input to Minister of Conservation comments, DOC reports and comments on referral application, and later DOC inputs for substantive application if referral application is successful

After referral application lodgement

s14 MFE checks completeness

s17 if complete then Minister for Infrastructure invites written comments from (among others) ...

DOC prepares table collating Treaty settlement obligations specifically relevant to DOC and application

s21 Minister makes referral decision after considering all inputs.
If approved, applicant can lodge substantive application

DOC provides:
- input to MFE section 18 Treaty obligations report;
- DOC section 19 report on public conservation land matters;
- DOC section 17 comments and input to Minister of Conservation section 17 comments.

All to be informed by Treaty partner information and settlement information if available

Before substantive application lodgement

s33 Before lodging a substantive application with the EPA, **if land exchange proposed** then applicant must lodge land exchange application with DOC

Relevant Māori Groups (including iwi authorities, Treaty settlement and other entities)

s34 if application complete then DOC must invite written comments from (among others) ...

s35 DOC prepares report for applicant to include with substantive application. Informed by Treaty partner information if available

DOC provides Treaty partners updated information about application arising from completeness and a link to full application documentation once on Fast-track website.

Receives any additional information offered by Treaty partners to inform DOC section 51 reports and section 53 comments on substantive application

After substantive application lodgement

DOC gives EPA advice on completeness

s46 EPA checks completeness and must consult administering agencies including DOC where conservation approvals needed

Panel appointed

s53 Panel invites written comments from (among others) ...

DOC provides to panel:
- Section 51 reports for conservation approvals;
- DOC section 53 comments on application
- DOC comments on draft conditions.

All to be informed by Treaty partner and settlement information if available

Panel receives information, may hold a hearing etc

s81 Panel makes substantive decision. Can be appealed or judicially reviewed.

Released under the Official Information Act

UNCLASSIFIED

Listed projects process – Proposed engagement with Treaty partners by DOC

Before substantive application lodgement (pre-lodgement phase)

s29 Before lodging an application, the **applicant *must*** consult with...

Relevant Māori Groups (including iwi authorities, Treaty settlement and other entities)

Relevant administering agencies including DOC where conservation approvals needed

DOC engages with Treaty partners at this stage to:
- provide information about project received by DOC during prelodgement consultation and check applicant has consulted with relevant Treaty partners;
- provide any other relevant information held by DOC regarding application;
- request information about Treaty partner interests and impact of proposed conservation approval(s).

Information received will inform DOC reports and comments on substantive applications if substantive application is lodged

s33 Before lodging a substantive application with the EPA, **if land exchange proposed** then applicant must lodge land exchange application with DOC

DOC prepares table collating Treaty settlement obligations specifically relevant to DOC and application. Used to inform engagement, inform input to MFE section 18 Treaty obligations report and inform DOC comments and reports

s34 DOC checks completeness then must invite written comments from ...

Relevant Māori Groups (including iwi authorities, Treaty settlement and other entities)

s35 DOC prepares report for applicant to include with substantive application.
Informed by Treaty partner information if available

After substantive application lodgement

s46 EPA conducts completeness checks and must consult administering agencies

DOC gives EPA advice on completeness

DOC provides Treaty partners updated information about application arising from completeness and a link to full application documentation once on Fast-track website.

Receives any additional information offered by Treaty partners to inform DOC section 51 reports and section 53 comments on substantive application

Relevant Māori Groups (including iwi authorities, Treaty settlement and other entities)

Panel appointed

s53 Panel invites written comments from (among others) ...

DOC provides to panel:
- Section 51 reports for conservation approvals;
- DOC section 53 comments on application
- DOC comments on draft conditions.

All to be informed by Treaty partner and settlement information if available

Panel receives information, may hold a hearing etc

s81 Panel makes substantive decision
Can be appealed or judicially reviewed

Released under the Official Information Act

Item 11

Flowcharts of touchpoints for Māori groups under Fast-track processes

Released under the Official Information Act

FTAA referral process – role for Māori groups

Decision maker – Minister for Infrastructure

Before referral application lodgement

s11 Before lodging an application, the applicant ***must*** consult with… → Relevant Māori Groups (including iwi authorities, Treaty settlement and other entities)

s13 Application identifies relevant Māori Groups and Treaty settlements, including consultation undertaken

After referral application lodgement

s14 MfE conducts completeness checks and provides list of Māori groups to the Minister for Infrastructure (**s17**)

s17 The Minister ***must*** invite written comments from… ↔ Relevant Māori Groups **To respond within 20 working days**

s18 MfE prepares a report for the Minister which identifies relevant Māori groups, Treaty settlements or other obligations, and summarises comments received from Māori groups and Ministers ↔ **s18 (3)(b)** Minister for Māori Crown Relations and Minister for Māori Development to provide comment on draft report

Minister decision

s21 Minister makes referral decision. If approved, applicant can lodge substantive application → Relevant Māori Groups notified (**s28**)

FTAA substantive process – role for Māori groups

Decision maker - Panel

After substantive application lodgement

Schedule 3 Panel ***must*** include at least one member with understanding of Te Ao Māori and Māori Development

s53 Panel ***must*** invite comments on substantive application from… ↔ Relevant Māori Groups **To respond within 20 working days (s54)**

Panel Hearing

There is no requirement for a panel to hold a hearing and no person has a right to be heard by a panel (**s56**)

Procedure if hearing is held

s57 Panel *may* invite to appear and be heard, and must give 5 working days notice… ↔ Relevant Māori Groups who provided comments **To advise attendance within 3 working days**

s67 Panel *may* also request further information from… ↔ Relevant Māori Groups who provided comments **To respond within 10 working days**

Panel decision

s70 Before granting approval, the panel ***must*** seek comment on draft conditions from… ↔ Relevant Māori Groups who provided comments **Response TBD by Panel**

s72 Minister Māori Crown Relations and Minister for Māori Development to provide comment on draft decision including any draft conditions

s88 Decision documents must be served on… → Relevant Māori Groups who provided comments

Appeals (only on question of law)

s99 Who may appeal to High Court against the decision… → Relevant Māori Groups who provided comments

Released under the Official Information Act

Schedule 2 listed projects process– role for Māori groups

Decision maker - Panel

Listed projects under Schedule 2 have already been approved for referral by Cabinet and do not have to go through the Minister referral process.

Before substantive application lodgement

s29 Before lodging a substantive application, the applicant ***must*** consult with… → Relevant Māori Groups (including iwi authorities, Treaty settlement and other entities)

s43 Application identifies relevant Māori Groups and Treaty settlements, including consultation undertaken

After substantive application lodgement

s49 EPA obtains Section 18 report from MfE which identifies relevant Māori groups, Treaty settlements or other obligations.

Schedule 3 Panel ***must*** include at least one member with understanding of Te Ao Māori and Māori Development

↓

s52 Panel convenor provides S18 report to panel

↓

s53 Panel ***must*** invite comments* on substantive application from… → Relevant Māori Groups **To respond within 20 working days**

*After comments have been invited by the panel, the listed projects process is the same as the substantive application process

Panel Hearing

There is no requirement for a panel to hold a hearing and no person has a right to be heard by a panel (**s56**).

Procedure if hearing is held

s57 Panel *may* invite to appear and be heard and must give 5 working days notice… ↔ Relevant Māori Groups who provided comment **To advise attendance within 3 working days**

s67 Panel *may* also request further information from… ↔ Relevant Māori Groups who provided comment **To respond within 10 working days**

Panel decision

s70 If granting approval, the panel ***must*** seek comment on draft conditions from… ↔ Relevant Māori Groups who provided comment **Response TBD by Panel**

↓

s72 Minister Maori Crown Relations and Minister for Maori Development to provide comment on draft decision including any draft conditions

↓

s88 Decision documents must be served on… → Relevant Māori Groups who provided comment

Appeals (only on question of law)

s99 Who may appeal to High Court against the decision… → Relevant Māori Groups who provided comment

Released under the Official Information Act

Item 12

Flowcharts of roles of DOC and other conservation agencies under Fast-track processes

Released under the Official Information Act

FTA referral process – DOC involvement
Decision maker – Minister for Infrastructure

Before referral application lodgement

s11 Before lodging an application, the applicant ***must*** consult with... → Relevant administering agencies including DOC where conservation approvals needed

After FTA referral application lodgement

s14 MfE conducts completeness checks and provides list of Māori groups to the Minister for Infrastructure (**s17**)

s17 The Minister ***must*** invite written comments from... ↔ Relevant portfolio Ministers including Minister of Conservation

s18 MfE prepares a report for the Minister which identifies relevant Māori groups, Treaty settlements or other obligations ↔ MFE consults relevant agencies including DOC

s19 The Minister must obtain report from DOC if project area includes public conservation land (PCL) ↔ DOC provides report on PCL matters

Minister decision

s21 Minister makes referral decision. If approved, applicant can lodge substantive application → Relevant administering agencies notified (**s28**)

FTA substantive process – DOC involvement
Decision maker - Panel

Before substantive application lodgement

s33 Before lodging an application, if land exchange proposed then applicant must first apply to DOC

s35 DOC checks completeness then must invite written comments from those prescribed in s35(1)

s35 DOC prepares report for applicant to include with substantive application

After substantive application lodgement

s46 EPA conducts completeness checks ↔ EPA must consult administering agencies including DOC where conservation approvals needed

s47 EPA advises Minister on any competing applications ↔ EPA must consult administering agencies including DOC where conservation approvals needed

Panel convenor role

s51 Panel convenor requests reports and other information ↔ DOC provides report as prescribed by Schedules for conservation approvals

s51 Panel convenor provides s18, 19 and 51 reports to panel

Panel role

s53 Panel ***must*** invite comments on substantive application from... ↔ Relevant Ministers and administering agencies including DOC

s67 Panel *may* also request further information from... ↔ Administering agencies including DOC

Panel decision

s70 Before granting approval, the panel ***must*** seek comment on draft conditions from... ↔ Anyone who provided comments including DOC

s72 Minister Māori Crown Relations and Minister for Māori Development to provide comment on draft decision including any draft conditions

s88 Decision documents must be served on... → Anyone who provided comments including DOC

Appeals (only on question of law)

s99 Who may appeal to High Court against the decision... → Anyone who provided comments including DOC

Released under the Official Information Act

Role of conservation agencies under substantive application process - Decision maker - Panel

No statutory role for conservation agencies through the Minister referral process.

Before substantive application lodgement

s33 Before lodging an application, if land exchange proposed then applicant must first apply to DOC

s35 If the land exchange application is complete, DOC ***must*** invite written comments from... ↔ NZCA, relevant CB, Fish and Game, and the Game Animal Council **To respond within 20 working days**

s35 DOC prepares report for applicant to include with substantive application

After substantive application lodgement

s46 EPA conducts completeness checks ↔ EPA must consult administering agencies including DOC where conservation approvals needed

s51 Panel convenor requests report from DOC as prescribed by Schedules for conservation approvals

s53 Panel ***must*** invite comments* on substantive application from... → NZCA, relevant CB, Fish and Game, and the Game Animal Council **To respond within 20 working days**

*Where application involves conservation approvals

Panel Hearing

There is no requirement for a panel to hold a hearing and no person has a right to be heard by a panel (**s56**).

Procedure if hearing is held

s57 Panel *may* invite to appear and be heard and must give 5 working days notice... ↔ NZCA, relevant CB, Fish and Game, and the Game Animal Council if they provided comment **To advise attendance within 3 working days**

s67 Panel *may* also request further information from... ↔ NZCA, relevant CB, Fish and Game, and the Game Animal Council if they provided comment **To respond within 10 working days**

Panel decision

s70 If granting approval, the panel ***must*** seek comment on draft conditions from... ↔ NZCA, relevant CB, Fish and Game, and the Game Animal Council if they provided comment **Response TBD by Panel**

s72 Minister Maori Crown Relations and Minister for Maori Development to provide comment on draft decision including any draft conditions

s88 Decision documents must be served on... → NZCA, relevant CB, Fish and Game, and the Game Animal Council if they provided comment

Appeals (only on question of law)

s99 Who may appeal to High Court against the decision... → NZCA, relevant CB, Fish and Game, and the Game Animal Council if they provided comment

Released under the Official Information Act

Item 13

From: 9(2)(a)
Sent: Wednesday, 23 July 2025 2:27 pm
To: Anton van Helden <avanhelden@doc.govt.nz>; 9(2)(a) 9(2)(a)
Cc: Dave Lundquist <dlundquist@doc.govt.nz>; Shona Bradley <sbradley@doc.govt.nz>; Michelle Boyle <mboyle@doc.govt.nz>; Graeme Silver <gsilver@doc.govt.nz>
Subject: RE: Review of reports provided by TTRL for Taranaki VTM project under Fast Track

Hi Anton,

Thank you for the revised timing and questions, we understand what you are asking and will submit by the required date of 29 August.

To clarify the documents we will review, we will focus on the following while answering the questions:

- Taranaki VTM cover letter to the EPA (PDF, 271KB)
- Taranaki VTM application form (PDF, 1.4MB)
- Taranaki VTM application (PDF, 8.9MB)
- Attachment 1 - Proposed marine consent conditions (PDF, 895KB)

A review of the Application indicates that the majority of the information is contained within the Application and the Conditions, and we will focus on these, as they are the most recent submissions, which we assume incorporate all previous information.

Cheers 9(2)(a)

From: Anton van Helden <avanhelden@doc.govt.nz>
Sent: Tuesday, July 22, 2025 3:10 PM
To: 9(2)(a) 9(2)(a) 9(2)(a)
Cc: Dave Lundquist <dlundquist@doc.govt.nz>; Shona Bradley <sbradley@doc.govt.nz>; Michelle Boyle <mboyle@doc.govt.nz>; Graeme Silver

Released under the Official Information Act

<gsilver@doc.govt.nz>
Subject: Review of reports provided by TTRL for Taranaki VTM project under Fast Track

> Caution: external e-mail

Kia ora 9(2)(a)

Just to provide an update on timing and a review of expectations.

The Panel has asked the applicant to provide some more information, and they have been given until the 4th of August to provide this.

The timeline is as follows:

- The Panel has 10 working days to send official requests to provide feedback.
- Feedback is required back to the Panel within 20 working days.

We suggest we work on a 20 working days post 4th August – taking us to 29th August to have your report to us.

This will give us a buffer of time to incorporate your report into any response that DOC may need to provide.

Our expectations are for you to undertake this review using your expertise in marine mammals, underwater acoustics, impacts of underwater noise on marine mammals, and best practice for managing such impacts.

1. Can you review the reports provided by TTRL for the Taranaki VTM project in support of their Fast Track proposal (Taranaki VTM | Fast-track website) to consider your responses to the following questions in writing your report to us.
2. With respect to Marine Mammals in the area of interest:

Released under the Official Information Act

    a. Does the baseline data that they provide accurately represent the presence and use of marine mammals in the area over which there would be likely impacts from this project?

    b. Are there other sources of information you are aware of that are available and should be considered?

3. What are the potential impacts on marine mammals from activities of this sort e.g. the effect of noise on feeding, calving, nursing etc?
4. From your professional experience can you describe how these potential impacts may affect individuals or populations, including migratory species that are exposed to them?
5. From your professional experience can you describe best practice management measures that have been used to mitigate from these potential impacts?
6. Can you review the noise modelling provided in the reports and consider:
    a. Is the approach taken best practice?

    b. Do you agree with the comment at page 203 - 204 AEE that notwithstanding the forementioned results, “it is possible for TTS or PTS to potentially occur within 500m of the operation”?

    c. Are there factors that may influence the noise of the operation that have not been considered?

    d. Are there additional elements that need to be considered to properly evaluate the noise outputs from the activity?
7. Does the marine mammal management plan as described follow best practice? In your experience, are there gaps that should be addressed?
8. Can you review and comment on the conditions proposed for monitoring and mitigating underwater noise impacts?
    a. Is their proposed methodology appropriate, robust, and achievable?

    b. Will these achieve their proposed objectives?

    c. Are there available standards or guidelines, including from other jurisdictions that could be considered to inform the appropriateness of conditions?

Any concerns or questions, please come back to me promptly so that I can provide whatever support needed to help.

Released under the Official Information Act

Ngā mihi

Anton

Caution - This message and accompanying data may contain information that is confidential or subject to legal privilege. If you are not the intended recipient you are notified that any use, dissemination, distribution or copying of this message or data is prohibited. If you received this email in error, please notify us immediately and erase all copies of the message and attachments. We apologise for the inconvenience. Thank you.

Released under the Official Information Act