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Media Release

Trans-Tasman Resources marine consent process challenging for submitters

A Decision-Making Committee appointed by the Environmental Protection Authority (EPA) is currently hearing an application from Trans-Tasman Resources to mine ironsands in the Exclusive Economic Zone off the west coast of the North Island. The Environmental Defence Society is presenting legal submissions and expert evidence at the hearing.

“The process is proving particularly challenging for submitters given the tight timeframes imposed by the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) and the uncertainties with the application of the new legislation,” said EDS Policy Director Raewyn Peart.

“This process is heavily stacked against submitters. The applicant has had years to prepare its case and has produced an overwhelming amount of highly technical evidence. Experts appearing for submitters effectively had four days to review this and prepare their own evidence.

“The timetable also changes often meaning that other commitments and travel arrangements must be altered to accommodate the hearing. Difficulties with the process have been an obstacle to submitters engaging effectively.

“Of particular concern is the hearing being limited to 40 working days and the decision having to be released within 20 working days of the hearing being completed. This leaves little time for expert conferencing or for ensuring that detailed matters (such as potential conditions) are well constructed.

“The application of the new legislation is also throwing up a number of legal curveballs for all parties.

“EDS argued in its opening submissions that a resource consent is required for the mining activity under the Resource Management Act 1991 (RMA), because the mining releases sediment that will be deposited in the coastal marine area. The applicant hasn’t applied for a RMA consent, and the issue is still unresolved.

“EDS is filing further legal submissions on the point today. We will argue that a marine consent granted under the EEZ Act cannot authorise a breach of the RMA.

“EDS is investing a considerable amount of time and effort into this hearing and no funding is available from the Environmental Legal Assistance Fund. We really need support from the public to be able to participate in these demanding processes,” Ms Peart concluded.

To support EDS’s case, visit our website www.eds.org.nz and make a donation.