

**BEFORE THE ENVIRONMENTAL PROTECTION AUTHORITY
AT WELLINGTON**

IN THE MATTER of the Exclusive Economic Zone and
Continental Shelf (Environmental Effects)
Act 2012

AND

IN THE MATTER of a decision making committee
appointed to hear a marine consent
application by Trans Tasman Resources
Limited to undertake iron ore extraction
and processing operations offshore in
the South Taranaki Bight

**CORPORATE EVIDENCE OF TOKATUMOANA KEVIN WALDEN ON BEHALF
OF TRANS TASMAN RESOURCES LIMITED**

16 DECEMBER 2016



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EXECUTIVE SUMMARY

1. TTRs engagement strategy has fundamentally been to build genuine and constructive relationships with Iwi and all stakeholders and to engage with them openly and in good faith. TTR has made a conscious decision to learn from its previous consent application and make a concerted effort to improve how it engages with stakeholders.
2. Fundamentally this has involved TTR shifting its engagement from being primarily about providing information towards building genuine relationships. Open public information sharing fora were no longer used and instead TTR engaged directly with Iwi and stakeholder groups so that meaningful relationships could develop.
3. TTR has undertaken extensive engagement and consultation over the last two and a half years with a wide range of stakeholders, regulators and interest groups. The purpose of this process was twofold - to inform stakeholders about the project, and to identify and respond to any concerns or issues. The engagement and consultation process has resulted in a number of refinements being made to the proposal (including the conditions) and a change in position from some key stakeholders from opposition to neutral or support (e.g. Department of Conservation and Sanfords Limited).

INTRODUCTION

Qualifications and experience

E nga mana, e nga reo, e nga karanga maha Tena koutou, tena koutou, tena koutou katoa. Ko Taranaki te maunga, Ko Taranaki te iwi, Ko Taranaki te tangata Ko Tokatumaoana Kevin Walden toku ingoa, Ekore e pau te ika unahinui haumia ee, hui ee, taiki ee.

1. My full name is Tokatumoana Kevin Walden.
2. In February 2015 I accepted a role as an Executive Relationship Manager for Trans Tasman Resources Limited (TTR). My role involves setting out the strategy and framework for Iwi and stakeholder engagement for the new marine consent and marine discharge consent applications (application).
3. TTR established the Executive Relationship Manager's role to have someone based on the ground in Taranaki and build genuine relationships with all key stakeholders and Iwi. The role was to set the strategy and framework for engagement across all sectors.
4. Prior to joining TTR I was the Land Manager for New Zealand Energy Corp, a Canadian based Oil and Gas Company for four years (2011- 2014). My role was to negotiate land access with landowners for a well site on their property, facilitate the resource consent process and undertake the community and Iwi stakeholder engagement.
5. Other previous roles include:
 - (a) Pou Kura Taiao role for the Department of Conservation (DOC) from 2008 to 2011;
 - (b) Professional Team Leadership role for Child Youth and Families from 2006 to 2008.

- (c) Director of Toka Ltd Consultancy from 2004 - 2006 providing cultural and community advice to oil and gas companies including, OMV, Origin Energy (Kupe Gas Field), Natural Gas Corporation (Vector), and BTW Company;.
 - (d) Regional Director for Te Puni Kokiri Taranaki from 1999 to 2004.
6. I have a Diploma in Teaching (Palmerston North Teachers Training College 1981), Bachelor of Education Degree (Massey University 1982) and a Post Graduate Diploma in Bilingual (Māori/English) Teaching (Wairarapa Polytechnic 1991).
7. I have been Chair of Taranaki Iwi since 1998.

SCOPE OF EVIDENCE

8. My evidence identifies existing interests and outlines the consultation that has been undertaken with stakeholders since taking on the TTR Executive Relationship Manager's role in Feb 2015.

Methodology and limitations

9. The consultation referred to in this evidence focuses on the work undertaken by TTR since March 2015, with which I have been involved. The evidence of Mr Shawn Thompson also includes a section on stakeholder engagement which outlines further consultation undertaken by TTR with Taranaki Regional Council, Department of Conservation, Sanfords and Origin Energy which was led by Mr Thompson.
10. The assumptions made about effects including but not limited to ecological, fisheries, sediment plume and coastal processes have been reported by other expert reports listed in the Impact Assessment.

11. Information presented in this evidence is based on the best publicly available information and information obtained during the stakeholder engagement and the public submissions process.
12. This evidence does not address cultural values. A specific assessment of Cultural Values was undertaken by an independent consultant and included with the Impact Assessment.

KEY VALUES

13. One of the first tasks was to formulate a communication plan to outline our strategy and framework for our Iwi and stakeholder engagement process. The communication plan expressed some key values that underpinned all of our engagements. These values included:
 - (a) Allowing stakeholders to determine the manner in which they would be engaged;
 - (b) Setting a mutually acceptable timetable for engagement;
 - (c) Honest and open communication in a respectful manner;
 - (d) Fairness in all dealings; and
 - (e) Mutually beneficial and robust, sustainable working relationships.

IDENTIFICATION OF EXISTING INTERESTS

14. To determine who the stakeholders were we considered:
 - (a) Existing interests as defined in the Exclusive Economic Zone and Continental Shelf (Environmental Effects)

Act 2012 (EEZ Act) and whether those interests may be or are likely to be adversely affected;

- (b) The list of stakeholders from the previous application;
- (c) Regional stakeholder databases;
- (d) South Taranaki District Council clubs database;
- (e) Regional coastal resource consents issued by Taranaki and Horizons Regional Councils;
- (f) Treaty of Waitangi claims and settlements; and
- (g) Local knowledge.

Recreational users

15. Recreational users identified as part of the stakeholder engagement process were:

- Patea Boat and Fishing Club;
- Opunake Surfcasting/Angling Opunake;
- Cape Egmont Boat Club;
- Ohawe Boating and Angling Club;
- Opunake Boat and Underwater Club Inc;
- South Taranaki Underwater and Dive Club; and
- South Taranaki Volunteer Coastguard.

Charter operators

16. Two charter operators were identified:

- South Taranaki Fishing Charters
- Hy-jinks Charters

Commercial fishing operators/representative bodies

17. The following commercial fishing operators/representative bodies were identified:

- Egmont Seafoods;
- Seafood New Zealand;
- Fisheries Inshore New Zealand;
- Deepwater Group;
- Southern Inshore Fisheries Management Company;
- NZ Rock Lobster Industry Council;
- Trawlers:
 - Ian Brown;
 - Nelson vessels;
- Set netters:
 - Compass Rose;
 - Lyle Jenkins;
- Mid water trawling (jack mackerel etc.):
 - Sealord;
 - Sanford;
 - Talley's, Nelson;
- Te Taihauāuru Iwi Fisheries Forum; and
- Te Ohu Kaimoana.

Commercial operators under EEZ Act and the Crown Minerals Act 1991

18. Origin Energy (Kupe Platform and Pipeline operator) was identified as an existing commercial operator under the Crown Minerals Act 1991.
19. Todd Energy recently received a petroleum mining permit within the EEZ but does not currently have a marine consent under the EEZ Act to operate as yet.

Existing marine consents

20. There are currently no activities authorised by an existing marine consents granted under section 62 of the EEZ Act with interests in or near the Project area.

Existing resource consents

21. TTR reviewed existing resource consents granted by Taranaki Regional Council and Horizons Regional Council in the South Taranaki Bight (STB).
22. While there were a number of consents granted by both Councils, my analysis showed none of the consented activities to be potentially affected by TTR's Project, due to the distance from the proposed project area.

Settlement of historical and contemporary claims under the Treaty of Waitangi Act 1975

23. TTR has interpreted the settlement of a historical claim under the Treaty of Waitangi Act 1975 provision above to include potential future settlement of historical claims in addition to settlements which have been enacted by legislation. To date **no** historical settlements have included provisions covering the exclusive economic zone within the STB.
24. A table outlining the status of historical Treaty settlements for Iwi in the Taranaki/Whanganui area was included in the Impact Assessment¹. This list conservatively listed all Iwi with interests in Taranaki rather than just identifying those with existing interests in the Project Area.
25. Of those groups listed in the Table:
- (a) Ngāti Ruanui has an existing interest and is considered mana whenua;

¹ Table 3.7 on page 69.

- (b) Ngaa Rauru Kiitahi has an existing interest;
 - (c) All other groups listed in that table have customary and commercial fishing interests in the area identified as FMA8 (under Fisheries Settlement legislation).
26. Te Ohu Kaimoana has an existing interest in the Project based on their statutory role as defined in the Māori Fisheries Act 2004. This Act implements the agreement made in the Deed of Settlement dated 23 September 1992 and the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.
27. The Māori Commercial Aquaculture Claims Settlement Act 2004 provides for the settlement of contemporary Treaty of Waitangi claims to commercial aquaculture. Within the STB no aquaculture settlement areas have been gazetted, therefore the Māori Commercial Aquaculture Claims Settlement Act 2004 creates no further existing interests with respect to the Project.

Protected customary right or customary marine title

28. There are no customary rights or customary marine titles, which have been recognised under the Marine and Coastal Area (Takutai Moana) Act 2011. TTR notes that Ngā Rūhine has lodged an application for customary title for the coastal marine area between the Taungatara and Waihi Rivers.

CONSULTATION

TTR's approach to consultation

29. The values identified earlier in my evidence (paragraph 13 above) underpinned TTR's approach to consultation. A comprehensive overview of the approach is set out in the Impact Assessment (Section 6.2). In addition, in my view,

robust consultation requires all parties to engage and contribute constructively and in good faith.

30. Throughout the consultation process TTR never asked for explicit support from existing interests and Iwi. We have tried to explain the range of potential effects, demonstrate the benefits, from a local and national perspective, and to demonstrate how we have planned to mitigate and minimise the environmental effects of our project, with the aim of each stakeholder coming to their own conclusion as to the merits of the project.
31. To assist stakeholders to understand the project, TTR put together a specific stakeholder engagement package. This package included:
 - (a) An overview of the Project;
 - (b) An animation showing what the Project involved from start (flying crew out), the processing (involving crawler), to finish (shipping iron ore off to market);
 - (c) A video showing the seafloor within the Project area;
 - (d) An explanation of the potential effects of the Project;
 - (e) A summary of all the reports commissioned by TTR to quantify the effects;
 - (f) Updated economics analysis;
 - (g) Information on cumulative effects;
 - (h) Information on the proposed training facility and heliport in Hawera and proposed geotechnical support base in Port Whanganui if TTR's application was successful.

Phases of consultation

32. Consultation occurred in three phases:
- (a) Site visit to De Beers Diamond Mining operation in Cape Town (March 2015);
 - (b) Pre-engagement (April – October 2015) – prior to the stakeholder package being released; and
 - (c) Formal engagement on the stakeholder package and application (October 2015 – present).
33. I attach as **Appendix 1** a schedule of stakeholder engagements relating to these phases.

Groups consulted

34. As noted above, our stakeholder engagement was not limited to just those groups/persons with existing interests in the STB but extended to other groups who may be interested or potentially affected by the Project.
35. I explain the consultation we undertook for each of the groups under the following headings:
- (a) Iwi groups;
 - (b) Commercial fishing;
 - (c) Recreational fishing, diving and boating clubs;
 - (d) Charter operators;
 - (e) Other commercial operators; and
 - (f) Local Authorities and Government Agencies.

IWI GROUPS

36. There are eight recognised Iwi groups within Taranaki. These are:

- (a) Ngāti Ruanui;
- (b) Nga Ruahine;
- (c) Nga Rauru Kīitahi;
- (d) Taranaki Iwi;
- (e) Te Atiawa;
- (f) Ngāti Mutunga;
- (g) Ngāti Maru; and
- (h) Ngāti Tama.

37. Ngāti Ruanui was the key focus for engagement as they hold mana whenua over the Project area. This means that they are recognised as having strong connections, associations and kaitiakitanga responsibilities over the Project area. In the next section I discuss consultation undertaken with Ngāti Ruanui.
38. Nga Ruahine have interests to the North of Ngāti Ruanui and Nga Rauru Kīitahi to the South of Ngāti Ruanui. These groups have been engaged on the basis that there may be potential environmental and cultural effects as a result of TTR's project. I also discuss consultation with these groups in the next section.
39. Taranaki Iwi, Te Atiawa, and Ngāti Mutunga attended an information evening where TTR presented its new stakeholder engagement package and explained the difference between the first application and the new application.
40. Ngāti Maru Representatives were engaged separately and were invited to the information evening but could not attend.

41. Ngāti Tama indicated that they would attend the information evening however a late apology was received.
42. In addition, Te Ati hau a paparangi, Ngāti Apa and Nga Rauru were engaged with the Whanganui District Council Leaders. The new stakeholder engagement package was presented and as noted above, this included the proposed establishment of a geotechnical support base out of Port Whanganui if TTRs application was successful.

Consultation with Ngāti Ruanui

43. As noted above, TTR recognises that Ngāti Ruanui has mana whenua over the Project area. TTR has consistently tried to consult with Ngāti Ruanui to understand any environmental and cultural issues Ngāti Ruanui may have with the proposal.
44. These attempts at consultation have involved:
 - (a) Payment of legal fees;
 - (b) Offer of trip to De Beers Marine mining operation;
 - (c) Offer of and attendance at Hui.

Payment of legal fees

45. As noted in the Impact Assessment, following the last hearing, Ngāti Ruanui identified the legal costs they had incurred as a result of the withdrawn High Court appeal as a potential issue to future engagement. TTR paid these costs as a gesture of good faith in the interests of being able to positively engage with Ngāti Ruanui.

Offer of trip to De Beers Marine mining operation

46. In March 2015 at the commencement of TTR's new stakeholder engagement process a few key stakeholders (including Ngāti Ruanui) were invited to visit De Beers Marine Ltd, a diamond mining operation located in Cape Town,

South Africa, which uses similar crawler equipment and technology. The visit was arranged to provide key stakeholders the opportunity to “see and feel” the actual proposed equipment and meet the scientists and regulatory authorities involved in the offshore diamond mining activities.

47. Ngāti Ruanui initially requested that four Ngāti Ruanui representatives attend. However, they subsequently withdrew at short notice stating that the timing of the trip was not suitable for them.

Offers of and attendance at hui

48. Between April 2015 and August 2015 following the visit to Cape Town TTR sought to establish active and regular contact with Ngāti Ruanui. TTR wanted to provide assurance to Ngāti Ruanui that lessons had been learnt from the first application process and that TTR acknowledge they could have done things better.
49. TTR also wanted to understand how Ngāti Ruanui would like to be engaged throughout the new application process and explain to Ngāti Ruanui how this new application differed from the first.
50. During this period TTR tried unsuccessfully to arrange a hui with Ngāti Ruanui. A large number of emails, texts, and phone calls were made but TTR were unsuccessful in making any progress.
51. On 3 September 2015 Ngāti Ruanui met with TTR at the Ngāti Ruanui Office in Hawera. TTR were represented by Chairman Alan Eggers, Project Director Shawn Thompson and myself. Ngāti Ruanui were represented by Te Runanga o Ngāti Ruanui CEO Debbie Packer, Runanga member Ngapari Niu, Environmental Manager Graham Young and Corporate Operations officer Hiria Tamarapa. While formal minutes of

the meeting were not taken or circulated, I took notes during the meeting for TTR, to record the key outcomes and discussion points.

52. Ngāti Ruanui outlined that they wished to exercise active kaitiakitanga in their rohe to grow an economic base for Ngāti Ruanui. Ngāti Ruanui further explained that they were not opposed to economic progress and would consider TTR's new application. It was made clear that there needs to be direct benefits to iwi, local community and opportunities for Ngāti Ruanui members to gain employment.
53. TTR discussed the lessons learnt from the first application including a much more comprehensive and accessible information package would need to be provided to stakeholders.
54. TTR discussed the need for a cultural values assessment and that TTR considered that this should be done by Ngāti Ruanui as they hold the mana whenua for the Project area. TTRs understanding from the hui was that Ngāti Ruanui agreed to complete the cultural values assessment to be included in the new application.
55. TTR also talked about three local initiatives that were being considered. These included setting up a heli-port in Hawera, establishing a geotechnical support base out of Port Whanganui and establishing a TTR training facility in Hawera. Ngāti Ruanui indicated that they wanted to be involved in the development of these three initiatives and other potential local opportunities.
56. TTR noted that some additional scientific reports had been produced but were not included in the stakeholder engagement package because of the intellectual property contained in the reports. TTR requested that stakeholders sign a Confidentiality Agreement (CA) before being

provided the reports. This was discussed with Ngāti Ruanui who at the time did not express any concerns.

57. TTR viewed this meeting as very positive and hoped it would lay the foundations for a much improved relationship with Ngāti Ruanui for the remainder of the consent application process.
58. Following the 3 September 2015 hui with Ngāti Ruanui, TTR attempted to arrange another hui to present the new stakeholder engagement package so that there was an opportunity to raise questions and concerns face to face.
59. After initially agreeing to meet on 23 October 2015, two days prior to the meeting taking place Ngāti Ruanui informed TTR that they could no longer meet. TTR were instead asked to deliver the engagement package to Ngāti Ruanui's Office. TTR delivered the new stakeholder engagement package and requested another time to meet with Ngāti Ruanui to discuss the engagement package, but no response was received.
60. On 4 November 2015 Ngāti Ruanui requested that a CA be sent to them so that they could review the additional scientific reports. The CA was provided on 18 November 2015. After receiving the CA Ngāti Ruanui requested that they be able to review the scientific reports without signing a CA. TTR responded explaining the reason for the requiring of a CA, including how commercially sensitive information from the first consent application was currently being used by universities around the world with no acknowledgement to TTR. However Ngāti Ruanui declined to sign the CA and therefore TTR could not provide them with the scientific

reports. No other stakeholder who requested the scientific reports expressed concerns about signing a CA.²

61. In December 2015, Ngāti Ruanui verbally advised TTR that it now only wanted to engage with the TTR chair Alan Eggers and not deal with operational staff. Alan Eggers agreed to contact Ngāti Ruanui directly and after several attempts made telephone contact with Debbie Packer on 27th January 2016. The conversation lasted around 40 minutes during which Alan Eggers took time to explain various issues from TTR's perspective and requested more engagement from Ngāti Ruanui. Unfortunately the phone conversation did not result in any progress. Ngāti Ruanui made no commitments to engage further moving forward.
62. On TTR's instruction, on 17 February 2016, TTR's legal advisor sent a letter to Ngāti Ruanui requesting a meeting without TTR staff present to attempt to find a way forward. No response was received.
63. On 13 April 2016, TTR sent the consent conditions and the proposed Environment Monitoring and Management Plan to Te Runanga o Ngāti Ruanui for their consideration. No response was received.
64. On 28 April 2016 TTRs legal advisor wrote to Ngāti Ruanui to provide an update on progress and measures to address cultural matters. This letter included:
 - (a) A request to meet to discuss the proposed conditions;

² It is acknowledged that subsequent to lodging the application *Kiwis Against Seabed Mining, Ngāti Ruanui and Talley's' Group Limited* raised concerns about signing the CA and made a successful application to the Environment Court for the information to instead be made publicly available. The information was subsequently released in November 2016.

- (b) Notification that a cultural impacts assessment was being prepared by Tahu Potiki, recognition that it would be valuable to meet with Ngāti Ruanui to assist with this assessment, and a request that Ngāti Ruanui indicate whether they were willing to meet with Mr Potiki;
- (c) An offer to provide finalised and completed environmental information and review that could be made available without the need for a CA.

No response was received to this letter.

- 65. On 14 June 2016 the CA was again sent to Ngāti Ruanui by email. Again no response was received.
- 66. On 13 October 2016 TTR's legal advisor received a letter from Ngāti Ruanui in response to a letter TTR had filed with the Environmental Protection Authority regarding the extension to the submission period that Ngāti Ruanui sought. This letter, while objecting to the TTR's characterisation of the consultation process to date, confirmed that Ngāti Ruanui's door remained open.
- 67. On 13 October 2016 TTR's legal advisor responded to that letter and sought a meeting to discuss how we could best move things forward so that TTR was able to constructively engage with Ngāti Ruanui on any issues they may have with the Project. No response was received.

Addressing Ngāti Ruanui concerns

- 68. Despite there being little engagement from Ngāti Ruanui, TTR has attempted, as best it can, to address the concerns of Ngāti Ruanui. It did this firstly by reviewing their submission on the first application; and secondly by commissioning an independent cultural values assessment.

Ngāti Ruanui 2013 submission

69. In its 2013 submission Ngāti Ruanui raised the following issues:
- (a) the number of revisions to the proposed methodology and project design;
 - (b) information being compartmentalised and not showing the cumulative effects and impacts;
 - (c) environmental and biological effects on the marine environment;
 - (d) customary and commercial interests not recognised;
 - (e) density and extent of the sediment plume and the removal and degradation of crucial habitats;
 - (f) potential effects on taonga species, kaimoana and pupu; and
 - (g) lack of employment opportunities and economic benefits locally and regionally.
70. TTR has made significant efforts to address these concerns in its revised application. Additional scientific research about the extent and density of the plume showed considerable reduction in the size and density of the plume and much reduces environmental impacts. TTR also commissioned an independent report by Martin Jenkins into the local, regional and national economic benefits associated with the Project. And, as noted above, TTR also proposed three local initiatives as part of their application that will provide direct benefits to the community.
71. It is noted that Ngāti Ruanui has recently filed a submission on the current application. It appears from this submission that Ngāti Ruanui has not accepted these measures as addressing their concerns. I comment on the consultation matters raised in that submission, later in my evidence.

Cultural values assessment

72. TTR recognised the importance of obtaining a cultural values assessment to identify any potential cultural issues with the Project and as noted above unsuccessfully sought to commission a cultural values assessment from Ngāti Ruanui on a number of occasions. Once it was clear that a cultural values assessment would not be forthcoming from Ngāti Ruanui, TTR engaged Tahu Potiki to undertake an independent cultural values assessment. I discuss this assessment further at the end of this section.

Summary of Ngāti Ruanui consultation

73. While TTR appreciates that Ngāti Ruanui hold strong views about the proposal and are unlikely to support TTRs application, TTR is disappointed they have not been able to work more constructively with Ngāti Ruanui so that they could better understand their concerns and find ways to address them. TTR will continue to reach out to Ngāti Ruanui and remain willing to engage with them at any time.
74. A list of all the engagements and attempted engagements with Ngāti Ruanui is attached as **Appendix 2**.

Consultation with Ngā Ruahine

75. Engagement and discussions with the CEO and Chair of Te Korowai o Nga Ruahine have occurred to brief them about the status of our new application off the STB.
76. TTR met with the CEO and Chair formally to present our stakeholder engagement package and respond immediately to any issues that were raised. TTR encouraged the leadership of Nga Ruahine to let TTR know what other engagements they would like within their Iwi.

77. There were no requests made. However, recently they did ask for a CA to enable them to access the more detailed reports. TTR sent Te Korowai o Nga Ruahine a CA on 14 June and 18 November 2016, however we are still waiting for the signed agreement.

Nga Rauru Kiitahi

78. TTR met with the CEO and Chair of Nga Rauru informally to discuss the status of the new application off the STB. TTR had an opportunity to meet with the CEO and a few members of their Paepae Rangātira ropu to present the stakeholder engagement package and respond to any issues that required a response. There was good interaction where TTR were able to explain in more detail different aspects of the proposed development.
79. TTR were given another opportunity to formally meet with the CEO and the Chair to address any outstanding issues. TTR made available the opportunity for Nga Rauru Kiitahi to be further engaged with at marae and/or hapu level if there was a need.
80. To date there has not been any requests for further engagement by Nga Rauru Kiitahi. There have been phone calls from the CEO asking for an update on the lodgement of the new application. TTR formally notified Nga Rauru Kiitahi once the application was lodged with the Environmental Protection Authority.

Ngāti Koata

81. Consultation was undertaken with representatives from Ngāti Koata as part of the pre-application process prior to lodgement of the application.

82. Through this process, Ngāti Koata identified that their concerns were limited to the potential for any effects to occur within Admiralty Bay as a result of anchoring or discharges, as this area was important to them with regards to aquaculture activities.
83. Ngāti Koata proposed a number of conditions to address their concerns. TTR agreed to all of Ngāti Koata proposed conditions and they have been included into the consent conditions being proposed by TTR.

Other Iwi

84. An opportunity arose to present the TTR stakeholder engagement package to the other Iwi in Taranaki. The purpose of the hui was to inform the other Iwi in Taranaki of the project and provide a forum for open discussion on any concerns that Iwi may have on the project. The Iwi who attended the information evening were:
- Taranaki Iwi - John Niwa (board member);
 - Te Atiawa Hemi Sundgren (CEO) and Liana Poutu (Chair); and
 - Ngāti Mutunga - Paul Cummins (CEO).
85. Greg White of Ngāti Tama put in a late apology.
86. TTR met separately with Ngāti Maru representatives Glenn Peri and Nathan Peri. The engagements included our new application and the time-frames for lodgement and the presentation of the new stakeholder engagement package.

Te Tai Hauāuru Fisheries Forum

87. Consultation was undertaken with the Te Tai hau-a-uru Fisheries Forum (Fisheries Forum) as part of the pre-application process. TTR was afforded the opportunity to present their stakeholder engagement package to the

Fisheries Forum at Pungarehu Marae on 3/11/2015. The information was well received and some good discussions evolved.

88. TTR has had a very good working relationship with the Fisheries Forum. As a direct result of the consultation process, the Fisheries Forum prepared a report (Forum Report) a detailed cultural values assessment. This Report outlined the commercial and customary fishing interests of the Fisheries Forum within the Project area and included potential measures to address any potential adverse cultural impacts on fishing that may result from the Project.
89. As noted in the Impact Assessment, the proposed conditions have included measures to address the impacts identified in the Fisheries Forum Report.

Independent cultural values assessment

90. As noted above, after unsuccessful attempts to obtain a cultural values assessment from Ngāti Ruanui and due to the reaction received to the TTR generated cultural values assessment in the first application, TTR commissioned an independent cultural values assessment from Tahu Potiki of Nga Tahu. The purpose of the assessment was to provide a mātauranga Maori world view of the mana moana and identify any significant and potentially sensitive areas so that the conditions of the consent could mitigate any potential cultural impacts.
91. Importantly, the independent cultural values assessment concluded that:
- (a) TTR's application addressed the concerns that had been raised and those that might be raised by Ngāti Ruanui; and

- (b) The proposed conditions (and in particular the monitoring and communication proposals contained in those conditions) avoid, remedy or mitigate effects of the Project on Ngāti Ruanui.
92. This independent cultural values assessment and the TTR consultation was peer reviewed by Mr Buddy Mikaere. The outcome of that review is summarised in Mr Mikaere's statement of evidence which concludes that:³
- (a) Consultation requires active participation and willingness to engage from both parties;
- (b) While TTR attempted to consult and engage with Ngāti Ruanui on many occasions, this was not reciprocated;
- (c) In the absence of such consultation an independent cultural values assessment is an appropriate approach.

COMMERCIAL FISHING CONSULTATION

Fisheries Inshore New Zealand

93. Following the first hearing, Fisheries Inshore New Zealand (FINZ) was identified as a key stakeholder to engage with. In March 2015 TTR requested a meeting with FINZ to understand how the commercial fishing sector wanted to be engaged for our new application and who directly needed face to face engagement.
94. TTR met with FINZ CEO Jeremy Helson on 14th April 2015. At that meeting, Mr Helson advised that local commercial fishing operators wanted to centralise all communication on

³ Expert Evidence of Mr Buddy Mikaere at paragraph [4.1].

TTR's new application and have FINZ represent their interests in discussions with TTR.

95. TTR met with FINZ on 27th October 2015 and presented the new stakeholder engagement package. Mr Helson indicated that he would need to report back to the FINZ Commercial Fishing operators to understand better any outstanding concerns.

Te Ohu Kaimoana

96. TTR met with Te Ohu Kaimoana on 25 April 2015 to discuss the lessons learnt from the first application and how they would like to be engaged during the new application. At that hui it was stated that Te Ohu Kaimoana will be working with the Fisheries Forum and that their concerns will be raised in that forum.
97. As noted above, TTR presented their stakeholder engagement package to the Fisheries Forum at Pungarehu marae on 3rd November 2015 and a representative from Te Ohu Kaimoana attended.
98. TTR also met with a couple of staff at Te Ohu Kaimoana Office on 18 December 2015 and presented the stakeholder engagement package.

Sanford Limited

99. TTR developed a strong working relationship with Sanfords which resulted in Sanfords providing a supporting submission after the application was lodged.
100. Further detail about the consultation that occurred with Sanfords is outlined in the evidence of Mr Shawn Thompson.⁴

⁴ Corporate Evidence of Mr Shawn Thompson – Project Description at paragraph [47].

RECREATIONAL FISHING, DIVING AND BOATING CLUBS

101. Recreational users include recreational fishing groups, boat and dive clubs. The focus of the engagements were to meet each group separately to understand clearly what their issues were and look at ways that we could work together to address them.
102. As noted earlier, TTR focussed in on the recreational users who had existing interests within the STB. These included Patea Boat Club, Ohawe Boat Club, Opunake Boat Club, Egmont Boat Club, South Taranaki Underwater and Dive Club and South Taranaki Volunteer Coastguard. The majority of the fishing club interests were represented by these groups.
103. Meetings were held with these groups during the pre-engagement phase and then again during the formal stakeholder engagement phase between October 2015 and January 2016.
104. During the meetings TTR provided a presentation about the project, including the location, extraction methodology, the environmental effects, additional scientific reports and potential economic and community benefits. TTR staff answered participants' questions about the project and listened to the participants concerns which included:
 - short and long term environmental effects;
 - plume effects, smothering of fishing reefs and adversely affecting diving quality in the region;
 - recolonisation rates;
 - impact on surf breaks;
 - development of natural resources;
 - job opportunities including foreign workers; and
 - the impact on local communities.

CHARTER OPERATORS

HyJinks

105. TTR met with Eddie Jenkins from HyJinks on 20 August 2015. He explained that on his fishing charter licence he cannot go beyond 12 NM. We gave him an overview of the Project including the findings of the visual effects work and the sediment plume modelling. He gave us an overview of the North Traps and Graham Banks and the species of fish you can expect to find. He emphasised that local benefits for Patea were important.
106. Eddie Jenkins indicated that he remained neutral on the application but he noted that HyJinks fishing charter licence will expire in February 2017 and that he does not intend to renew it.

South Taranaki Fishing Charters

107. On 20 August 2015 I met with Peter Robins from South Taranaki Fishing Charters. He is a commercial and charter operator. I described the project, lessons learnt from the previous application and the new information available. He requested that he be made aware of any opportunities to assist TTR should the Project obtain consent.

OTHER COMMERCIAL OPERATORS

Origin Energy Resources (Kupe) Limited

108. The consultation undertaken with Origin Energy is set out in the evidence of Mr Shawn Thompson.⁵

⁵ Corporate Evidence of Mr Shawn Thompson – Project Description at paragraph [47].

Todd Energy

109. Todd Energy was granted a Petroleum Exploration Permit (PEP 60094) under the Crown Minerals Act 1991 on 16TH December 2015. Todd Energy's permit overlaps into TTRs permit.
110. Todd Energy attended a stakeholder engagement meeting with TTR on 10 February 2016. They were briefed thoroughly on the TTR project in the STB and were left a stakeholder engagement package. No further request for information was received from Todd Energy.

LOCAL AUTHORITIES AND GOVERNMENT AGENCIES

Taranaki Regional Council

111. Multiple meetings and engagements have occurred between TTR and Taranaki Regional Council. The detail of these is set out in the Impact Assessment and in the evidence of Mr Shawn Thompson.⁶

South Taranaki District Council

112. As noted in the Impact Assessment, consultation was undertaken with representatives from South Taranaki District Council (STDC) prior to lodgement of the application. This consultation involved multiple face to face meetings, emails exchanges and provision of additional information where requested.
113. The consultation with STDC was expected to result in a signed agreement between TTR and STDC. However, contrary to the statement in section 6.3.10 agreement has not yet been reached.

⁶ Corporate Evidence of Mr Shawn Thompson – Project Description at paragraph [47].

114. On 26 October 2016 TTR met with STDC to discuss the proposed agreement and discussions are still continuing.

Whanganui District Council

115. TTR met with representatives of Whanganui District Council during both the pre-engagement (4 August 2015, 16 September 2015) and formal engagement phases (16 November 2015).
116. TTR discussed the lessons learnt from the first application and explained the approach for the new consent application. Key issues discussed were the size and density of the plume and the economic benefits to the local community (including the proposed geotechnical support base out of Port Whanganui).

Department of Conservation

117. The consultation undertaken with the Department of Conservation is outlined in the evidence of Mr Shawn Thompson.⁷

THE OUTCOMES OF CONSULTATION

118. Consultation with the stakeholders resulted in a number of refinements being made to the proposal and the conditions.

Environmental Monitoring and Management Plan

119. The Environmental Monitoring Management Plan (EMMP) addresses issues raised during the stakeholder engagement phase relating to potential environmental effects and impacts from the iron sand extraction project in the STB.

⁷ Corporate Evidence of Mr Shawn Thompson – Project Description at paragraph [47].

120. The EMMP encourages community, agencies, organisations and iwi involvement and participation in monitoring the environmental mitigation measures. There are a number of monitoring initiatives inviting community involvement. This includes:
- (a) An intertidal reef assessment which involves surveys, and sand inspections along the reef;
 - (b) A recreational fishing monitoring programme where members can conduct ramp surveys, collect survey data and report any issues directly to the Consent Holder or the Technical Review Group.
 - (c) biosecurity assessments where members are the "eyes on the ground" reporting any incursions of invasive pests and or species along the STB.

Community relationships

121. The conditions include a number of measures which are designed to strengthen community relationships. These include:
- (a) The Consent holder providing the public with up to date iron sand extraction information and environmental monitoring in accordance with conditions of the consent.
 - (b) Community meetings to be held six monthly for the first five years and then annually.
 - (c) The provision of an annual fund to STDC to assist in the establishment of projects for the benefit of South Taranaki.
 - (d) The establishment of a training facility in Hawera to provide technical and marine skills based training for

prospective trainee process operators and maintenance support staff.

- (e) The establishment of a geotechnical support base at Port Whanganui to carry out environmental monitoring initiatives.

Relationship with Tāngata Whenua

122. Consent conditions 28 - 43 outline and encourages involvement and participation from tāngata whenua agencies and organisations with the Consent Holder to collaborate on initiatives to mitigate the environmental and cultural issues raised through the stakeholder engagement process. This includes:

- (a) The establishment of a Technical Review Group (TRG) to provide technical oversight and advice to the Consent Holder on management and implementation of consent conditions throughout the duration of the consent process. This involves Mātauranga Māori, environmental and cultural issues when reviewing all monitoring plans.
- (b) Provision for the establishment and maintenance of a Kaitiakitanga Review Group (KRG). This provides opportunities for kaitiaki responsibilities and values to be reflected in the monitoring programme of the iron sand extraction area and the surrounding marine environment in accordance with the consents.
- (c) The Consent Holder in collaboration with the KRG preparing a Kaimoana Monitoring programme. This programme is required to include monitoring of species important to customary needs, and kaimoana indicators and thresholds. The roles and responsibilities of all parties involved in the KMP is

required to be discussed and agreed between the Consent Holder and the KRG.

- (d) The Consent Holder providing Ngāti Ruanui with an annual fund for environmental initiatives and/or cultural well-being of Ngāti Ruanui.

123. In conclusion, these mitigation measures demonstrate TTR's commitment to involve and provide opportunity for local community, agencies, organisations and tāngata whenua in the monitoring, implementation and reporting of consent conditions. With this approach all parties are being held accountable open and transparent and that they can see the direct benefits of being involved in this unique off-shore development.

RESPONSE TO SUBMISSIONS

124. A number of submissions were received that raised issues of relevance to my evidence - -stakeholder engagement and consultation.
125. To avoid any duplication, for those groups discussed above, I include a response to any issues raised in submissions for those in those sections.
126. For other submitters, I respond to the issues raised in a general way below rather than to specific submissions.

Concerns raised by commercial operators in fishing industry

127. A number of the commercial operators in the fishing industry opposing TTR's application have stated that TTR's consultation with the Fishing Industry was incomplete, inadequate, insufficient and lacking integrity in sharing information.
128. This comes as a somewhat of a surprise to TTR as FINZ CEO Jeremy Helson made it quite clear that the commercial

fishing operators wanted to centralise all communication on TTR's new application and have FINZ represent their interests.

129. TTR notes that the submissions received by the commercial operators acknowledge and support the submission lodged by FINZ so that suggests that the issues and concerns raised in their submission reflects the view of the whole fishing industry.

Concerns regarding sharing of information

130. Other submissions refer to information shared as being selective and inadequate. TTR does not consider this to be the case. As noted earlier, TTR made sure that a full and comprehensive stakeholder package with all the new additional information that had been developed following the refusal of the first application was available, accessible, clear and easy to digest.
131. The stakeholder engagement package was designed to:
- (a) summarize all the scientific reports into more user friendly language (not technical) for all stakeholder and interest groups to better understand the project;
 - (b) address all the issues and concerns that were raised in TTR's first application which was declined;
 - (c) provide visual footage of the seabed;
 - (d) provide an animation of the project showing aspects of the project from start to finish;
 - (e) provide a summary of the cumulative effects on the marine environment in the project mining area; and
 - (f) provide an economic analysis report showing the benefits locally, regionally and nationally.

132. The stakeholder package was well received by many of the parties with whom TTR engaged.
133. Comments were made that there was a lack of consultation by TTR with local recreational users regarding the location of reef systems and the Patea Shoals. That is not correct as there was structured engagement with the local boat clubs and fishing clubs, South Taranaki Underwater and Dive Club, South Taranaki Volunteer Coastguard and Charter operators in South Taranaki who all know the coastline very well. TTR showed them video footage of the seabed in the 66km² mining permit area (taken by NIWA) as well as footage of the Northern Traps, Southern Traps and the Graham Bank.

Ngāti Ruanui

134. Ngāti Ruanui's submission states:

"The commentary consultation outcomes with Ngati Ruanui in the IA are considered misleading and inaccurate. Extensive dialogue and discussion has occurred both directly with TTR representatives and TTR's legal advisors.

135. And later:

"In our view, the simplistic overview provided in your letter of the 11th of October is not reflective of the many exchanges that occurred about this matter and clearly purport to depict Ngati Ruanui as not engaging while, to the contrary, engagement was occurring at the highest level between the TTRL and Ngāti Ruanui."

136. I have outlined in some detail all the attempted engagements in my evidence (and in Appendix 2). It is notable that despite all the attempts and invitations from TTR only one face to face hui occurred (on 3 September 2015). Since then while there have been two phone calls with Ngāti Ruanui (one in December 2015 with Mr Mike Holm and one in January 2016 with Mr Alan Eggers) but no substantive engagement. This submission is the first time that Ngāti

Ruanui has substantively identified just what their concerns are with the project.

137. As noted in the evidence of Mr Mikaere, consultation requires the active participation of both parties. Here, despite TTR's best efforts that has not occurred. In my view, there is nothing more TTR could have done to attempt to engage with Ngāti Ruanui.
138. The submission also states that "Ngāti Ruanui extended goodwill beyond all formal best practices to engage with TTR". In my view, that is simply not correct. In fact, TTR has extended all the goodwill and good intent to engage with mana whenua however Ngāti Ruanui did not reciprocate. In my view, there is nothing to be gained by not engaging.
139. Ngāti Ruanui's submission also takes issue with TTR commissioning an independent cultural values assessment. TTR in its discussions with the Environmental Protection Authority and Ngā Kaihautū raised the difficulties it had encountered in seeking to engage with Ngati Ruanui. Ngā Kaihautū indicated that a cultural values assessment would still be required with the application. As explained above, due to Ngāti Ruanui not providing such an assessment, TTR was left with no option but to commission an independent assessment.

Nga Ruahine

140. Te Korowai o Nga Ruahine submission refers to TTR taking a "scatter gun" approach to consultation. I do not agree. TTR's first engagement with Nga Ruahine occurred in April 2015. This was followed by a meeting Nga Ruahine CEO and Chair and engagement continued through the pre-engagement and formal engagement phases (refer Appendix 1a and 1b for details of the engagements with Nga Ruahine). Through this process, TTR also requested that if

there were other hapu or groups within their Iwi that would like to be engaged to inform us. However no requests for further engagement were made.

141. Reference was also made that Nga Ruahine has had only one year to build a trusting relationship with TTR. I disagree, for the current application the first engagement occurred 20 months ago.

Consultation with local communities

142. A number of submissions raise issues with the consultation process:

- (a) some refer to consultation with local communities being inadequate;
- (b) that consultation was insufficient and incomplete; and
- (c) that TTR lacks integrity in its approach to sharing information.

143. I set out TTR's approach to engagement in my evidence above. TTR's pre-engagement and formal stakeholder engagement schedule (refer **Appendices 1a** and **1b**) shows clearly the extent of our engagement with the community. TTR's stakeholder engagement package also clearly shows that TTR had learnt lessons from the first application. TTR provided a comprehensive summary of all the reports and work undertaken to support the application and addressed all the issues that were raised in declining TTRs first application. The information was accessible, easy to read and provided all the groups with all the information they needed to make an informed decision.


Tokatumoana Kevin Walden
16 December 2016

APPENDIX 1 – SCHEDULE OF STAKEHOLDER ENGAGEMENTS

Appendix 1a – Pre-engagement phase

Appendix 1b – Formal engagement phase

APPENDIX 2 – NGĀTI RUANUI ENGAGEMENT