TTR’s Supreme Court Appeal
22 April 2020

Legal action aimed at delivering jobs, government revenue streams and regional development investment opportunities

New Zealand controlled and managed Trans-Tasman Resources Limited (TTR) has today lodged a Notice of Appeal to the Supreme Court (SC) seeking leave to appeal the Court of Appeal (CoA) Judgment on the six points of law upheld in their findings of 3 April 2020.

The basis of the TTR appeal is that the Environmental Protection Authority’s (EPA) Decision Making Committee (DMC) did follow the legally correct approach in granting TTR’s environmental consents in August 2017.

TTR’s Executive Chairman, Alan J Eggers, said the Company did not take the decision to lodge an appeal to New Zealand’s highest court lightly but there is too much at stake for the Taranaki region and New Zealand not to take the legal action and commented:

“It’s now vitally important we secure the development approvals for TTR’s offshore South Taranaki Bight (STB) vanadium rich titanomagnetite sand resource as one of the largest known drill defined vanadium deposits in the world.

The opportunity is a major new $1 billion export industry employing best practice sustainable environmental approach to mineral recovery, with minimal impact on the environment, that will help meet the demand for the strategic metals vanadium and titanium required as the world and New Zealand transition to a low carbon energy economy.

TTR’s proposed iron sand recovery operation, located 22km to 36km offshore in the STB, will deliver a large number of new jobs, skills training and port infrastructure to the region while delivering direct government revenue in royalties and corporate taxes and export earnings without the government having to deliver any economic support or hand-outs, additional services or infrastructure.

The project approval will also post the message that New Zealand is open for business, including the minerals and oil & gas sectors, we can manage and approve sustainable low impact development of our extensive EEZ (14 times the size of NZ’s land area and one of the largest in the world) and international investment is welcome.”
TTR’s SC Notice of Appeal seeks to reverse the CoA 3 April 2020 Judgment on the six points of law upheld, have their finding the adaptive management approach was not taken by the DMC maintained and:

- the consents include a comprehensive set of consent conditions specifically designed to protect the marine environment including in respect of the sediment plume;

- the information provided to DMC by TTR was adequate and best available with the purpose of the pre-mining monitoring gathering existing background information from sites designated by the DMC in the consent hearings so the effects of TTR’s mineral recovery operation can be measured and monitored;

- the DMC’s consideration of the effects on existing interests of Māori were consistent with its obligations under the EEZ Act in regard to the principles of the Treaty of Waitangi;

- the DMC did have regard for, and address, the Resource Management Act (RMA) and the New Zealand Coastal Policy Statement (NZCPS), address the effects within the Coastal Management Area (CMA) and these were consistent with outcomes sought in CMA and the environmental bottom lines established by the NZCPS;

- there was sufficient information and independent expert evidence provided to DMC on the effects on seabirds and marine mammals and public participation rights were observed in this regard and submitters were given every opportunity to be heard by the DMC; and

- the DMC did consider whether a bond was required, which is discretionary in the EEZ Act, as well as public liability insurance to ensure TTR’s consent conditions were implemented.

TTR is looking forward to having its application for leave to appeal to the SC granted, having the appeal heard as soon as possible and if the appeal succeeds the STB project gets the green light.

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 Alan J Eggers  
Executive Chairman  
22 April 2020
About TTR

Trans-Tasman Resources Limited (TTR), a New Zealand company, was established in 2007 to explore and develop the North Island’s offshore iron sand deposits. The Company is headquartered in Auckland and funded by New Zealand and international investment. Since inception TTR has spent more than $80 million on defining the resource potential, environmental assessment of the proposed mining areas and possible impacts of the mining, mine engineering and process design, ore marketing, and the processing and shipping operations associated with the resource extraction and iron sands export operations in the South Taranaki Bight (STB).

TTR proposes to seabed mine up to 50 million tonnes (Mt) of iron rich sands per year in New Zealand’s Exclusive Economic Zone, approximately 22 to 36 kilometres off the South Taranaki coast in water depths of 20 to 50 metres. The operation, when in full production, will produce 5Mt a year of vanadium rich titanomagnetite concentrate grading 0.5%V₂O₅, 8.5%TiO₂ and 57%Fe for export. 90% of the mined sands will be re-deposited on the seafloor in a controlled manner backfilling previous mined areas to enable immediate rehabilitation. The sands will be processed offshore aboard an integrated mining vessel (IMV) and transferred into cape size vessels for export.

The project will directly employ more than 250 New Zealand-based staff and operational personnel.

TTR has made a significant investment in, and commitment to, the development of its offshore STB iron sands mining project. The Company is now committed to completing the Bankable Feasibility Study to facilitate the financing, construction and commissioning of this technologically advanced, world-class marine mining operation, which will deliver substantial economic benefits to New Zealand while employing global best practice with sustainable environmental outcomes.