

BEFORE AN EXPERT PANEL

FTAA-2504-1048

UNDER the Fast Track Approvals Act 2024

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

BY Trans-Tasman Resources Limited

**MEMORANDUM OF COUNSEL FOR TRANS-TASMAN RESOURCES
LIMITED IN RESPONSE TO MATTERS ARISING FROM THE CONFERENCE
AT HĀWERA 21-23 OCTOBER 2025**

30 October 2025



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MAY IT PLEASE THE PANEL

1. This memorandum responds on behalf of Trans-Tasman Resources Limited (**TTR**) to several matters arising from the Conference in Hāwera on 21-23 October 2025.
2. This response is in line with the Expert Panel's direction in Minute 8:

The Applicant will be given five working days after the conference to respond to any new information provided by participants at the conference that was not included in, or apparent from, their submitted comments.
3. To supplement these written responses, additionally, and to assist the Panel, TTR has prepared a table setting out the themes discussed by commenters, and the locations where the Expert Panel can find TTR's responses on these matters within the material already before the Panel.
4. Finally, this memorandum briefly responds to the Joint Memorandum of Parties Making Comment on the Taranaki VTM Project, dated 20 October 2025.

Correction to statement of location in relation to Kupe Field

5. Representatives of Beach Energy Resource NZ (Kupe) Limited (**Beach Energy**) raised a query regarding TTR's response of 13 October 2025 as supplied to the Panel, and the reference to 50km contained in that document.
6. TTR confirms that this reference was an error, and submits the following correction to that document:

4	The application poses risks to existing Kupe seabed infrastructure due to changes in seabed topography	TTR/Slecap	<p>Substantive FTA Application: Section 5.13.7</p> <p>Refer to OMV Kupe Risk Mitigation Agreement 12 July 2017.</p> <p>TTR FTA: Attachment 1 Proposed Marine Consent Conditions Final Condition 55, 67-69, 92, 97, 98, and 105.</p>	<p>The TTR project area is located next to the Kupe field 50km from the sites related to the existing marine consent. Any effects on the project will be localised around the project area with the potential for the sediment plume to extend towards the coastal environment. The proposed conditions of consent also provide for bathymetric surveys around Kupe Operator exclusion zones and at representative points around the Kupe Well Head Platform and umbilical route and the Consent Holder must inform of any modified operational extraction and deposition areas which differ from those identified in the Annual Report where within the existing Petroleum Mining License or immediately adjacent to Kupe assets.</p> <p>TTRL's operations will be governed by strict compliance with its approved Integrated Management Plan (IMP) and all applicable safety and operational standards established under International Maritime Organisation (IMO) conventions, Maritime New Zealand (Maritime NZ) regulations, New Zealand Health and Safety (Safety</p>
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Comments from Parties with Existing Interests Redacted on the Taranaki VTM Project

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7. TTR will submit this updated document to the Panel separately.

Consultation undertaken with Whanganui DC and Whanganui Port historically

8. Representatives for Whanganui District Council stated to the Panel that TTR had not consulted with Whanganui Port historically.
9. TTR does not agree with that statement. TTR consulted collectively with the District Council and the Port (at which time they had different administration) prior to its 2016 application. This is recorded in the engagement records that formed part of TTR's 2016 application, submitted as part of the evidence of Tokatumoana Walden dated 16 December 2016, a copy of which accompanies this memorandum.
10. Any matters arising in this regard are contractual in nature and can be addressed in the fullness of time.

Provision for rahui consideration in conditions

11. Various iwi commenters raised the matter of rahui, and its customary use in relation to the moana.
12. TTR considers that the proposed conditions relating to "Relationship with Tangata Whenua" will provide a forum for discussion of rahui and cultural values.
13. Specifically, proposed condition 73 requires TTR to make a written offer to establish and maintain a Kaitiakitanga Reference Group. This Group has the purpose of providing for kaitiaki responsibilities and values, including through advising TTR on "the appropriateness of any operational responses as they relate to cultural values".

Recognition of Sanford in Conditions

14. Seafood New Zealand questioned why there is a reference to Sanford Limited in the conditions, and no other group.
15. Proposed condition 60¹ requires TTR to invite Seafood New Zealand to nominate a representative for inclusion in the Technical Reference Group, with the note that "if Seafood New Zealand do

¹ Statement of Evidence Dr Phil Mitchell and Luke Faithfull (13 October 2025).

not accept the invitation to nominate a representative, the Consent Holder must invite Sanford Limited to do so".

16. Sanford Limited is referred to in the condition as an outcome of agreement reached between TTR and Sanford Limited during TTR's 2016 application.

Response to Liquefaction Report from JERA Nex bp

17. Representatives from JERA Nex bp raised issues arising from a report they commissioned into possible liquefaction from the proposed activity. Responses on this topic were provided in TTR's Response Table (13 October 2025) "Comments from Others" pg 12 in response to Parkwind JV comments.

RESPONSE TO JOINT MEMORANDUM OF PARTIES MAKING COMMENT

18. On 20 October 2025 a group of commenters (**joint commenters**) submitted a joint memorandum seeking that the Panel direct expert conferencing, and a substantive hearing with cross-examination. TTR opposes these requests.
19. As raised in TTR's legal submissions of 13 October 2025,² expert conferencing can be inefficient, leaving questions unanswered or answered in ways that are not as helpful as the Panel would wish. The likelihood of this is demonstrated by the joint commenters' own suggestion that conferencing across 5 subjects ought to be followed by a substantive hearing covering all 5 of those subjects (and more). In other words, the joint commenters have no real expectation that the conferencing itself will provide the Expert Panel with the information it needs.
20. Further, the joint commenters misconstrue the task before the Expert Panel, suggesting that the Panel needs to find reasons to 'depart' from 'established conferencing process'.³ There is no 'established' conferencing process under the FTAA.
21. If the Panel determines that it needs to better understand the views of experts, then it has a variety of more targeted ways to go about

² At [178](c).

³ Joint Memorandum, 20 October 2025 at [[9].

this, as described in TTR's 13 October 2025 submissions.⁴ If requests for specific further information will not suffice, then a more efficient option than conferencing would be to require relevant experts to come before the panel in a workshop format. Contrary to the joint submitters' suggestion that this would be no better than conferencing, a workshop session would enable the Panel to directly interact with and question all the relevant experts *kanohi ki te kanohi* (in a format that is colloquially referred to as "hot tubbing" in the RMA setting). As a mechanism for the Panel to explore and understand differences of opinion, this has obvious advantages over conferencing in terms of substance and efficiency.

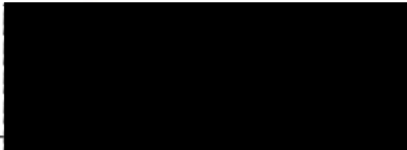
22. As for a hearing, TTR notes that the breadth of topics proposed by the joint commenters is even more extensive than the topics they propose for expert conferencing. TTR does not agree with the joint commenters' premise that a hearing is necessary for transparency or for procedural fairness.⁵
23. Transparency and procedural fairness have been hallmarks of the Expert Panel's processes to date:
 - (a) The Panel has applied a broad approach to the invitations to comment, ensuring that any party with legitimate concerns has the opportunity to put those concerns before the Panel in the form of comments.
 - (b) The Panel has gone beyond the requirements specified in the FTAA by providing commenters with the opportunity to come before the Panel and present an overview of their position.
24. The Panel's ongoing work can be conducted in a fully transparent way by continuing to make all interactions with or by the Panel a matter of public record; and procedural fairness is easily achieved by ensuring that those commenters with a legitimate interest in a particular matter are provided with the opportunity to put their views before the Panel as appropriate.

⁴ At [178].

⁵ Joint Memorandum, 20 October 2025 at [19].

25. However, the Panel's timeline is not open-ended. It is obliged to determine the application within a relatively compressed timeframe, and must therefore approach its remaining tasks with due regard to the efficiency and proportionality of its procedures, consistent with s 10 of the FTAA.
26. It is submitted that the joint commenters are essentially seeking to re-enact processes that were applied to TTR's previous applications under the EEZ Act in 2014, 2016 and 2024. This is contrary to the clear intention of the FTAA, and it is unlikely to serve the Panel well to revert to such an untargeted, cumbersome and adversarial-driven approach. It is submitted that a much more targeted approach, driven by the Panel's determination of its own needs (rather than the joint commenters' desires to cover the field) should enable the Panel to adopt a process that is efficient and proportionate, while still upholding fundamental standards of transparency and fairness.

DATE: 30 October 2025



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