BEFORE AN EXPERT CONSENTING PANEL UNDER THE FAST-TRACK APPROVALS ACT 2024

IN THE MATTER OF an application for resource consents under the Fast-track Approvals Act 2024 by Port of Tauranga Limited for activities associated with a listed project, being the Capital and Maintenance Dredging Re-Consenting Project

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MEMORANDUM OF COUNSEL ON BEHALF OF PORT OF TAURANGA LIMITED

DATED 29 OCTOBER 2026

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Introduction

1. Port of Tauranga Limited (**POTL**) is seeking resource consents (the **Application**) under the Fast-track Approvals Act 2024 (the **FTAA**) to expand and maintain the navigational channels of Tauranga Harbour/Te Awanui for the Port of Tauranga by removing dredging material from the coastal marine area and disposing of dredged material at offshore disposal sites (the **Project**). The Project is a listed project in Schedule 2 of the FTAA.

2. These submissions support the lodgement of the Application and are intended to assist the Panel Convener in undertaking her statutory functions and the Expert Panel (the **Panel**) in its consideration of the Application. They provide an overview of the relevant statutory framework and the key matters the Panel will need to consider.[1] They do not attempt to repeat or replicate the matters addressed in detail in the Application.

3. Our overarching submission is that the Panel has before it the information required to grant the Application and that the Project meets the purpose of the FTAA and satisfies the relevant statutory tests. The benefits of the Project are substantial and the evidence demonstrates that, without this Project, New Zealand's largest port would be unable to continue operating in the medium and long term as it currently does. Additionally, the significant benefits associated with the Stella Passage Project, identified by the Expert Panel in the Stella Passage Development FTAA decision, would not be able to be fully realised.

4. These submissions:

   (a) Provide a short overview of the Project;

   (b) Provide an overview of the legal framework for decision making; and

[1] Consistent with the Fast-track Approvals Act 2024: Panel Conveners' Practice and Procedure Guidance, paragraph 4.1(b).

(c) Address four procedural matters.

Overview of the Project

5. The purpose of the Project is to maintain and, where required, deepen the Port's existing navigation channels and berths to safely accommodate current and future generations of vessels, which continue to grow in size. The works involve both ongoing maintenance dredging to remove sediment that accumulates in shipping channels and completion of remaining capital dredging previously consented but not yet undertaken to deepen the existing sitting basins (and approach to those sitting basins) when required, to achieve the Port's planned operating depths. Additionally, there is a very small area of deepening not previously consented (approximately 2,786 m^3) just outside the entrance to Te Awanui/Tauranga Harbour that is required to smooth the entrance corner for vessels.

6. The Application seeks only one type of approval, being resource consents that would otherwise be applied for under the Resource Management Act 1991 (the **RMA**).[2] POTL seeks to increase the annual average maintenance dredging volumes from what they are in the existing consents (from 185,000 m^3 to 250,000 m^3), in response to changing sedimentation patterns and increasingly frequent storm events. The Application also seeks to enable the completion of approximately 800,000 m^3 of currently consented capital dredging over several years (as well as a very small portion of new capital dredging outside the entrance to Te Awanui/Tauranga Harbour). Dredged material will continue to be disposed of at established offshore disposal sites and, where appropriate, used for beach nourishment projects.

7. The Project is nationally and regionally significant because it supports the continued operation of New Zealand's largest export port, facilitating the

[2] Section 42(4)(a) of the FTAA.

efficient movement of goods and maintaining trade connectivity. Ongoing dredging is essential to preserving port capacity, supporting economic growth, and maintaining resilience in the face of changing environmental conditions.

8. The capital works included in this Project were originally consented in 2013, through the Capital Dredging project (apart from the very small pocket of dredging outside the entrance to Te Awanui/Tauranga Harbour). POTL was granted resource consents 65806 and 65807 to carry out dredging to deepen and widen the existing shipping channels and to continue to conduct routine maintenance dredging. The objective of the capital dredging programme authorised by the 2013 resource consents was to enable larger container ships to enter and exit the Port, in keeping with global trends for larger vessels.

9. Those consents were the subject of appeals to both the Environment Court[3] and the High Court[4] but were ultimately granted.

10. Stage 1 of the planned deepening and widening work has been completed and Stage 2 of the capital dredging has commenced. Since 2013, maintenance dredging has occurred annually. Consents 65806 and 65807 were due to expire in December 2027. That has now been extended by the Planning Act 2026 to an undetermined date at least two years after the date that transition to the new system occurs[5]. POTL requires renewal of these consents to continue capital and maintenance dredging.

11. In January 2026, POTL lodged its substantive application for resource consents and a wildlife approval for its 'Stella Passage Development' with the EPA under the FTAA.[6] The Project is to extend the Sulphur Point and Maunganui Wharves including dredging and reclamation for the wharf extensions. The decision of the Expert Panel was issued on 7 September 2026 granting all approvals

3 *Te Runanga O Ngai Te Rangi Iwi Trust v Bay of Plenty Regional Council* [2011] NZEnvC 402.
4 *Ngati Ruahine v Bay of Plenty Regional Council* [2012] NZHC 2407.
5 Clause 39 of Schedule 1, Planning Act 2026.
6 Stella Passage Development [FTAA-2512-1163].

sought.[7] That decision is now the subject of three appeals and two judicial review proceedings in the High Court.

12. While the two projects are independent, they are also operationally linked as the benefits of the Stella Passage Project will not be able to be realised if consent for the capital and maintenance dredging is not granted, which will result in ships being unable to safely access the Port's wharves in the medium and long term. Put another way, the benefits of each project have the effect of enhancing the benefits of the other.

Legal Framework for decision making

13. The Project is a listed project under Schedule 2 of the FTAA. Parliament has therefore already made the policy decision that the Project is one with significant regional or national benefits.[8] The Project's inclusion in Schedule 2 is a powerful indicator of Parliament's assessment that the Project is capable of contributing to the purpose of the Act and is appropriate to be considered through the fast-track process. The Project's listing is also recognition of the substantial benefits that this Project brings to New Zealand and New Zealanders.

14. Putting to one side the fact that the Project is listed, it is an example of the exact type of project that the FTAA was designed to accommodate. The Project enables the continued operation of infrastructure that is **critical** to the New Zealand economy and the national supply chain. The Project will provide long term certainty and continuity for the Port of Tauranga, its customers and many New Zealanders whose products enter and exit New Zealand via the Port. Using the FTAA to consent dredging which will enable the continued operation of New Zealand's largest port is exactly what the legislation was designed for.

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7 Record of Decision of the Stella Passage Development Expert Panel [FTAA-2512-1163] (4 September 2026).

8 The heading of Schedule 2 is "Listed projects with significant regional or national benefits".

15. The FTAA sets out the legal framework applying to approvals for listed projects such as this one,[9] and the required information that must be included in the Application.[10] Addressing the required information matter first, counsel confirms that all necessary information required by the FTAA has been included in the Application and this is addressed by the checklists contained within the online lodgement form and replicated in the Application,[11] which confirm what sections of the report address each of the information requirements. As is confirmed in the Application, the Project is within the scope of the Schedule 2 listing.

16. Turning to the legal framework for decision-making under the FTAA, the Panel has two key tasks to undertake:

    (a) It must decide whether or not it should approve the Application;

    (b) If it decides the Application should be approved, it must determine what conditions should be applied to each approval.

Deciding whether to approve the Project

17. The FTAA is not the RMA. It adopts a different weighting exercise, and as discussed below it directs that the greatest weight must be given to the purpose of the FTAA.

18. The Panel's scope to decline the Application is limited under the FTAA.[12] Our submission is that in relation to this Application, none of the mandatory or discretionary matters allowing the Panel to decline the Application are engaged in this case. Specifically:

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9 In particular, FTAA, ss 81, 83, and 85, and cls 17 and 18 of Schedule 5.
10 In particular, FTAA, s 43 and cls 5 and 6 of Schedule 5.
11 Substantive Application Report, Appendix B, Checklist A and J.
12 FTAA, s 85.

(a) The Project is not an ineligible activity, as is canvassed in more detail in the Application.[13]

(b) The Project is consistent with obligations arising under relevant Treaty settlements.[14] The Application sets out the provisions of Treaty settlements that are relevant to the Application. Those Treaty settlements are the same as were relevant to the Stella Passage Project, which was found to be consistent with both broad and specific obligations arising from those Treaty settlements.[15] While there is overlap between the Mātaitai Reserve (which is ultimately a statutory mechanism made possible by the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992) and the Application area, it is our submission that the grant of the Application would not breach s 7 of the FTAA.

(c) Any adverse residual impacts do not significantly outweigh the Project's benefits. As is set out in detail in the Application, the technical effects of the Project are well understood, localised, and are assessed by all expert reports as negligible to low.[16] A similar finding was made by the Panel in the Stella Passage decision.[17] Cultural effects are identified through the cultural values assessments received as part of POTL's engagement on the application.[18] These effects have been responded to in the Application and are addressed through the draft consent conditions accompanying the Application. Our submission is that in light of this, there are no residual adverse impacts of the Project. However, in the event that the Panel finds that there are residual adverse impacts, these impacts are **significantly** outweighed by the

13 Substantive Application Report, section 2.2.

14 FTAA, s 85(1)(b): The panel must decline an approval if it considers that granting the approval would breach s 7 FTAA. Section 7 requires that all persons performing and exercising functions, powers, and duties under the FTAA must act in a manner that is consistent with obligations arising under existing Treaty settlements.

15 Record of Decision of the Stella Passage Development Expert Panel [FTAA-2512-1163] (4 September 2026) at [185].

16 Substantive Application Report, sections 7, 10.2, and Appendices G–S.

17 Record of Decision of the Stella Passage Development Expert Panel [FTAA-2512-1163] (4 September 2026) at [198].

18 Substantive Application Report, Appendix F.

benefits associated with consenting dredging that will enable the largest port in New Zealand to continue to operate as it currently does, and to accommodate the largest ships that visit New Zealand.

19. In making its decision, the Panel is required to take a number of matters into account, including sections 5, 6 and 7 of the RMA. The Panel is required to give the **greatest weight** to the purpose of the FTAA, being to "facilitate the delivery of infrastructure and development projects with significant regional or national benefits".[19]

20. When considering how the Panel should go about giving the 'greatest weight' to the purpose of the FTAA, the expert panel in the Bledisloe North Wharf decision provided useful guidance. That decision made reference to the *Enterprise Miramar* decision,[20] which was in the context of the Housing Accords and Special Housing Areas Act 2013 but considered similar statutory language. The Bledisloe Wharf decision states that:[21]

> *While the greatest weight is to be placed on the purpose of the FTAA, we must be careful not to rely solely on that purpose at the expense of due consideration of the other matters listed in (b) to (c) / (d): Enterprise Miramar [41].*
>
> *The clauses require us to consider the matters listed in sub-clauses (a) to (c) / (d) on an individual basis, prior to standing back and conducting an overall weighting in accordance with the specified direction: Enterprise Miramar [52] – [53]. The purpose of the FTAA is not logically relevant to the assessments otherwise required under the RMA, WA53 or HNZPTA. For example, assessments of environmental effects (RMA), or matters relating to protected wildlife (WA53), or historical and archaeological value (HNZPTA).*

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19 FTAA, s 3.

20 *Enterprise Miramar Peninsula Inc v Wellington City Council* [2018] NZCA 541.

21 Record of Decision of the Bledisloe North Wharf and Fergusson North Berth Extension Expert Panel [FTAA-2503-1028] (21 August 2025) at paragraph 121(a) – (c).

None of those matters become irrelevant, insignificant, or less than minor simply because of the purpose of the FTAA. What changes is the weight to be placed on them - they may be outweighed by the purpose of facilitating the delivery of infrastructure and development projects with significant regional or national benefit, or they may not: Enterprise Miramar [55].

21. To summarise, the Panel must take into account the purpose of the FTAA and the various matters in the RMA, then consider those factors in a way which gives the greatest weight to the purpose of the Act.

22. The Project meets the purpose of the FTAA.[22] The Project:

(a) Relates to the operation of the Port of Tauranga – New Zealand's largest port, handling 51% of the total value and 40% of the gross weight of New Zealand exports each year.[23] It is a critical enabler of economic activity which supports other industries to create their own value. Its continued operation enables that to continue.

(b) Is listed in Schedule 2 of the FTAA, which confirms that it **is** a project with significant regional or national benefits.

(c) Ensures the continuation of the utilisation of the Port of Tauranga's infrastructure. Without the Project, the infrastructure would be unable to be utilised to the extent it currently is in the medium and long term.[24]

(d) Enables the delivery of the benefits of the Stella Passage Project. Without this Project the benefits of the Stella Passage Project will not be able to be fully realised because of the restrictions on shipping

22 Substantive Application Report, section 9.2.
23 Substantive Application Report, section 5.17.
24 Substantive Application Report, Appendix G, sections 2 and 6.

discussed above, which will replace the capacity restriction that the Stella Passage Project is designed to resolve.

(e) The Project's economic benefits are significant. The NZIER economics report relies on the modelling undertaken in relation to the Stella Passage wharf extension to illustrate that the benefits of the wharf extension are in the order of $749 million by 2032.[25] That assessment was considered by the Expert Panel in relation to the Stella Passage Project to be sufficient.[26] The impact of enabling dredging has economic benefits similar to, if not greater than, the Stella Passage Project, as it will avoid a constraint on realising the benefits of the Stella Passage extension **and** the existing operations.

(f) The Project has other indirect economic benefits associated with the timeliness of moving goods, resilience, carbon emission reductions associated with larger ships, and reputational benefits.

23. Other than the purpose of the FTAA, the Panel must also take into account, when considering the Application, parts 2, 3, 6 and 8 to 10 of the RMA that direct decision making on an application (excluding section 104D).[27]

24. As part of the panel taking into account these provisions of the RMA, the Panel must consider the relevant national direction.[28] However, the FTAA makes it explicit that a project's inconsistency with national direction cannot be the Panel's sole basis for concluding that the project's adverse impacts are out of proportion to its benefits and declining an approval.[29] The key piece of national direction relevant to the Project is the New Zealand Coastal Policy Statement (**NZCPS**). The Application contains a detailed assessment of the NZCPS in the

25 Substantive Application Report, section 6.1.
26 Record of Decision of the Stella Passage Development Expert Panel [FTAA-2512-1163] (4 September 2026) at [190] – [191].
27 FTAA, cl 17(1) of Schedule 5.
28 FTAA, cl 17(1)(b) of Schedule 5.
29 FTAA, s 85(4).

context of the Project.[30] That assessment concludes that the Project is consistent with all relevant policies of the NZCPS.

25. To summarise, this Project passes the necessary statutory tests contained in the FTAA and does not meet any of the circumstances set out in s 85 that would require or allow the Panel to decline the Application. As such, it is our submission that the Application must be granted.[31]

Deciding on appropriate conditions

26. The Panel must decide whether to set conditions in relation to the approval. The FTAA imports the provisions of the RMA in relation to conditions (sections 108 and 108AA of the RMA in particular), but also directs that conditions must not be more onerous than necessary to address the reason for which they are set.[32] Panels are also able to set conditions to recognise or protect relevant Treaty settlements.[33] The inclusion of conditions with appropriate effects management mechanisms will be relevant to the Panel's overall proportionality assessment.[34]

27. The fact that this Project substantially renews existing resource consents, with the maintenance dredging works already occurring annually, provides assurance that the technical effects of the Project are well understood and there is real-world evidence of how those effects can be appropriately avoided, mitigated and managed. The conditions proposed are based on that understanding of the potential effects, giving the Panel certainty that the conditions proposed **will** manage the effects appropriately.

28. The existing consent conditions of consents 65806 and 65807, which POTL currently operates under, relate to a much larger programme of capital

30 Substantive Application Report, section 9.4.2.
31 FTAA, s 81(2)(f).
32 FTAA, s 83.
33 FTAA, s 84.
34 FTAA, s 85(3)(b).

dredging works than is sought in this Application. As such, the existing conditions are geared towards monitoring, mitigating and managing the effects of that significant dredging programme. This Application seeks consent for a much smaller amount of capital dredging, and is largely focused on enabling the continued maintenance dredging of the channels. The proposed conditions are designed to reflect this.

29. Key aspects of the conditions which are designed to effectively manage any adverse technical effects of the Project include:

(a) Regular maintenance of dredging equipment;[35]

(b) Restrictions on the deposition of sediment with high silt content at certain sites;[36]

(c) Restrictions on noise associated with the dredging;[37]

(d) Requirements associated with ensuring the navigational safety of dredging vessels;[38]

(e) Preparation of a detailed Dredge Management Plan for each dredging campaign;[39]

(f) Provisions to ensure that vessels entering Tauranga Harbour comply with biosecurity risk management standards and have a Biofouling Management Plan, with POTL also making an annual $10,000 contribution to BOPRC's ongoing marine pest monitoring programme;[40]

35 Substantive Application Report, Appendix T, Condition 14.7.
36 Substantive Application Report, Appendix T, Condition 14.10.
37 Substantive Application Report, Appendix T, Conditions 14.16 – 14.19.
38 Substantive Application Report, Appendix T, Conditions 14.20 – 14.24.
39 Substantive Application Report, Appendix T, Condition 15.
40 Substantive Application Report, Appendix T, Condition 16.

(g) Water quality monitoring requirements, including an adaptive management regime requiring cessation of deposition activities in the event of certain turbidity standards not being met;[41]

(h) Ecological monitoring of Motuotau Island and Te Paritaha;[42] and

(i) Bathymetric surveys of the areas being dredged (before and after) and annual bathymetric surveys of surrounding areas including Panepane Point.[43]

30. POTL's cultural mitigation package for the Project has been designed to align with and complement the Stella Passage consent conditions.[44] The Stella Passage conditions were developed across the five-year consenting process for that project in response to feedback from tangata whenua parties and decision makers, and the mechanism of the Stella Passage Advisory Group (**SPDAG**) was endorsed by the Stella Passage Expert Panel in their decision as providing for meaningful participation for tangata whenua in the implementation of that project. As such, the approach taken to these conditions, utilising the SPDAG, has been thoroughly tested.

31. The consent conditions for this Project use the mechanism of the SPDAG for engagement and some funding allocation decisions. The SPDAG, once established under the Stella Passage conditions, will be made up of representatives of local iwi and hapū groups. The conditions designed to mitigate cultural effects associated with the Project include:

(a) Funding comprising:

(i) a one-off payment of $1,000,000 to the SPDAG, within one month of the first maintenance dredging campaign, for projects

41 Substantive Application Report, Appendix T, Condition 19.
42 Substantive Application Report, Appendix T, Condition 21.
43 Substantive Application Report, Appendix T, Condition 22.
44 Substantive Application Report, Appendix Y.

contributing to mātauranga monitoring and restoration of the health of Te Awanui/Tauranga Harbour, other projects selected by the SPDAG, and administrative support;[45]

(ii) a one-off payment of $1,625,000 to the Tauranga Moana Iwi Customary Fisheries Trust, within one month of the first maintenance dredging campaign, to support the Trust's administration, customary fisheries and mātaitai restoration projects, and other projects selected by the Trust;[46] and

(iii) additional payments to the SPDAG of $50,000 within one month of deepening the passing lane at the corner of No. 1 Reach, and $200,000 within one month of any stage of dredging that deepens the No. 1 Berth Approach and Sitting Basins;[47]

(b) Quarterly meetings following the SPDAG's formation under the Stella Passage Development consents, and twice per year thereafter, or at another frequency determined in accordance with those consents;[48]

(c) An annual strategic planning meeting with at least POTL's Chief Executive Officer and Chair of the Board of Directors;[49]

(d) Opportunities for the Tauranga Moana Iwi Customary Fisheries Trust to provide a cultural monitor during all dredging operations;[50]

45 Substantive Application Report, Appendix T, Condition 11.1(a).
46 Substantive Application Report, Appendix T, Condition 11.2(a).
47 Substantive Application Report, Appendix T, Condition 11.1(b).
48 Substantive Application Report, Appendix T, Condition 4.1(a)(i). This condition requirement is to be undertaken in conjunction with the same obligation contained in the Stella Passage Project consent conditions (condition 1.1(d)), attached as Appendix Y.
49 Substantive Application Report, Appendix T, Conditions 4.1(a)(ii) and 4.3. This condition requirement is to be undertaken in conjunction with the same obligation contained in the Stella Passage Project consent conditions (condition 1.1(d)), attached as Appendix Y.
50 Substantive Application Report, Appendix T, Condition 10.1.

(e) Involvement of the SPDAG in reviewing the Dredge Management Plan prior to any capital dredging works;[51]

(f) SPDAG review of Te Paritaha ongoing monitoring results;[52]

(g) An invitation to undertake a ceremony prior to commencement of capital dredging;[53]

(h) Three education and research scholarships worth $2,000 annually for up to three years of study for iwi and hapū that have a relationship with Te Awanui/Tauranga Harbour.[54]

Procedural Matters

Engagement Requirements

32. Since the 2015 capital dredging, POTL has undertaken ongoing engagement with tangata whenua through the Ngā Matarae Trust which was formed in accordance with the consent conditions of consents 65806 and 65807. All three Tauranga Moana iwi sit on the Ngā Matarae Trust. The need to re-consent the works included in the Application has long been signalled to this group.

33. Specifically in relation to this Application, POTL has undertaken extensive engagement with tangata whenua parties. Mahea Consulting was engaged to assist POTL with this engagement. The Mahea report appended to the Application sets out the engagement strategy, the engagement process and the feedback received.[55] The feedback received has resulted in amendments to both the Application and the conditions, as set out in the Application.[56]

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51 Substantive Application Report, Appendix T, Condition 4.1(a)(iii).
52 Substantive Application Report, Appendix T, Condition 4.1(b) and 21.5.
53 Substantive Application Report, Appendix T, Condition 4.2.
54 Substantive Application Report, Appendix T, Condition 12.2.
55 Substantive Application Report, Appendix C1.
56 Substantive Application Report, section 8.4 and Appendix C1.

34. The FTAA requires notification and consultation with a number of groups to be undertaken pre-lodgement.[57] As set out in the Mahea report, POTL has complied with all of these requirements and undertook notification of all relevant iwi authorities, hapū and Treaty Settlement entities. POTL also consulted with all relevant applicant groups with applications for customary marine title (**CMT**) under the Marine and Coastal Area (Takutai Moana) Act 2011.

35. In response to the notification undertaken in June 2026, POTL received the Pirirākau Assessment of Cultural Effects (**PACE**) in July 2026. The PACE alleges that POTL has not discharged the s 11(1)(a) CMT consultation obligation required with Pirirākau Tribal Authority Incorporated (**PTAI**), due to the Ngā Hapū o Ngāti Ranginui CMT application.[58] Counsel confirms that PTAI does not have its own CMT application, but is a hapū of Ngāti Ranginui who does have a CMT application as correctly identified by PTAI. POTL has discharged its obligation in relation to the Ngā Hapū o Ngāti Ranginui CMT application by notifying and consulting with representatives of Ngā Hapū o Ngāti Ranginui directly. In any event, engagement with PTAI has occurred through POTL's engagement programme.[59]

Surrender of Existing Consents

36. POTL holds consents 65806 and 65807 for capital and maintenance dredging. As set out above, those consents were due to expire in December 2027 and will now expire on a yet-to-be-determined date at least two years after the specified transition date of the Planning Act 2026 and Natural Environment Act 2026. The Application seeks to re-consent aspects of the existing enabled capital dredging works that have not yet been undertaken, and a very small

57 FTAA, ss 29(1) and 11(1).
58 Substantive Application Report, Appendix F11, section 1.3(b).
59 Substantive Application Report, Appendix C1, pages 11 – 17 and Appendices B, D, and G.

portion that is not currently consented. The Application also seeks to re-consent the maintenance dredging currently enabled, with higher volumes.

37. If the approvals sought through this process are granted, POTL will surrender these existing consents.

Resource Management Act 1991

38. For completeness, Counsel confirms that the Application is lodged under the FTAA as amended by Part 1 of Schedule 12 of the Planning Act 2026 (the **PA**) but before the transitional amendments to the RMA (as set out in Parts 2, 3, 4, 5, and 6 of Schedule 12 of the PA) have come into force. The RMA as in force on 29 October 2026 will apply to this Application.[60]

Redactions

39. POTL has provided both an unredacted version of the Application and a redacted version that is appropriate for publication on the Environmental Protection Agency website. Redactions have been carried out in relation to personal contact details, commercially sensitive information and culturally sensitive information that is specific to this Application only.

60 FTAA, cl 19 of Schedule 1.

Conclusion

40. In summary, the Application seeks approval for a project that is critical to the continued operation of New Zealand's largest port and the efficient functioning of the national supply chain. The Project is a listed project under the FTAA, is supported by a comprehensive body of technical assessments, and includes a robust suite of conditions designed to appropriately avoid, remedy, mitigate and manage any adverse effects. The information before the Panel demonstrates that the Project's effects are well understood and capable of being effectively managed.

41. For the reasons set out in the Application and these submissions, POTL submits that the Project clearly advances the purpose of the FTAA and satisfies the relevant statutory tests for approval. None of the circumstances that would require, or justify, declining the Application arise in this case. Accordingly, we ask the Panel to grant the resource consents sought, subject to the proposed conditions.

DATED at Tauranga this 29th day of October 2026

[redacted]

Vanessa Jane Hamm / Laura Claire Murphy
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