

**BEFORE THE FAST TRACK PANEL
AT WELLINGTON**

**I MUA I TE KŌTI TAIAO O AOTEAROA
TE WHANGANUI-A-TARA ROHE**

UNDER

the Fast Track Approvals Act 2024 (the
“**FTAA** ”)

IN THE MATTER

of an application by Trans-Tasman
Resources Limited (TTRL) for marine
and discharge consents to undertake
iron sand extraction in the South
Taranaki Bight

BETWEEN

**TRANS-TASMAN RESOURCES
LIMITED (TTRL)**

Applicant

AND

**THE ENVIRONMENTAL PROTECTION
AUTHORITY**

The EPA

**JOINT MEMORANDUM OF PARTIES MAKING COMMENT ON THE
TARANAKI VTM PROJECT**

Dated 20th October 2025

INTRODUCTION

1. This joint memorandum is filed on behalf of
 - a. Te Kaahui o Rauru Trust
 - b. Te Korowai o Ngāruahine Trust
 - c. Te Ohu Kaimoana Trustee Limited
 - d. Kiwis Against Seabed Mining
 - e. Greenpeace Aotearoa Incorporated;
Royal Forest and Bird Protection Society of New Zealand
Incorporated; and
 - f. Environmental Defence Society.
2. Te Rūnanga o Ngāti Ruanui Trust has reviewed the memorandum but they are not signatories.
3. Ahead of this week's conference, this memorandum sets out for the Panel the collective position of the above listed Submitters on certain process issues, including:
 - a. Mātauranga and Tikanga Matters
 - b. Expert conferencing.
 - c. Hearing; and
 - d. Dealing with Gaps in Information in the application.

Mātauranga and Tikanga Matters

4. This matter will be directly addressed by the Māori parties during their appearances this week.

Site Visit

5. This matter will also be addressed by the listed submissions during their appearances this week.

Expert Conferencing

6. The Panel may hold expert conferencing and joint discussions with participants, either prior to or during a formal hearing, or if no hearing is held,

before its formal deliberations. This may include bringing together experts in both science and mātauranga Māori to support robust decision-making.

7. The Taranaki VTM Project is a complex application involving a large volume of information, much of which has already been produced as evidence in previous EPA hearings on a similar application. In those proceedings, joint witness conferencing proved to be an effective tool to clarify key areas of agreement and disagreement between experts, and to support timely, efficient, and cost-effective decision-making.
8. We consider that it would be appropriate and would meet the procedural principles under s10 FTAA for expert conferencing to occur for the following topics:
 - a. Plume Modelling
 - b. Benthic Ecology
 - c. Seabirds
 - d. Marine Ecology
 - e. Economic Evidence
9. There appears to be some level of agreement by TTR to participate in a form of expert conferencing, described as a “workshop format”.¹ However, it is unclear how this proposed “workshop” differs in substance from the standard approach to expert conferencing. The Panel already retains the ability to direct those specific questions or issues be addressed through expert conferencing. Given that, there does not appear to be any procedural or substantive benefit in departing from the established conferencing process.
10. Expert conferencing can be:
 - a. Facilitated by the special adviser appointed by the Panel².
 - b. Some experts are based overseas, so conferencing should be held remotely, this will also be more efficient.³

¹ At [178] of TTR submissions in reply.

² FTAA, schedule 3, clause 10(2).

³ FTAA, schedule 3, clause 10(3) and s59 FTAA.

- c. We anticipate that each topic should not require more than one day of conferencing, unless specific issues arise that warrant additional time.
- d. The previous Joint Witness Statements (JWS) from the EPA reconsideration hearings in 2023 should be used as a starting point for identifying key issues to be resolved.
- e. Each conferencing session should include preparation of a summary of expert opinion and matters to be discussed and should conclude with the production of a Joint Witness Statement.

Hearing

- 11. We consider that the conference on 21-23 October will be inadequate to address matters arising from evidence and legal submissions.
- 12. There will be no expert conferencing to occur in advance which would have the benefit of narrowing matters.
- 13. While under s 56 there is no requirement for a hearing to be held, and no person has a right to be heard of a panel, we submit that the principles of natural justice still should apply.
- 14. Cross-examination may be permitted under s 58(1) (e) FTAA. We submit that cross-examination should be permitted upon application to the Chair in advance of each witness. We also submit that given the substantial public interest in the application, no order should be given under s 58(4) to prohibit or restrict publication.
- 15. We also encourage the Panel to permit remote access under s 59.
- 16. The Panel Conveners' *Practice and Procedure Guidance* (22 July 2025) confirms at [17.2] that applicants or participants may request a hearing by written application. The request must give reasons and propose procedural steps to ensure any hearing is conducted in a timely, efficient, and cost-effective manner, as required by s 10 of the FTAA.

17. This is a complex and untested proposal with far-reaching environmental, social, and cultural effects. It generates an extensive body of technical evidence, engages multiple parties with competing interests, and sits against a background of prior EPA findings and Supreme Court authority on a substantively similar application.
18. In this context, the Panel must grapple with novel legal issues under the FTAA decision-making criteria and information deficits in the application and the relationship between the FTAA and the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (“EEZ Act”). The breadth of legal, scientific, ecological, cultural, and economic issues cannot be resolved on paper alone. Oral evidence combined with joint witness conferencing enables the Panel to probe experts, get to the specific areas of agreement and disagreement, clarify uncertainties, explore legal matters with counsel and assess credibility.
19. The interests affected and identified by the Panel: iwi, hapū, communities, NGOs, industry, and government are wide-ranging and all require fair representation. A hearing provides the necessary forum for transparency and procedural fairness.
20. Section 10 of the FTAA requires timely, efficient, and cost-effective process. Structured hearings with expert conferencing and focused submissions streamline issues and assist robust decision-making.
21. For these reasons, the above listed Submitters respectfully submit that a substantive hearing is necessary and appropriate and complies with the statutory principles under s 10 of the FTAA.
22. We request a substantive hearing on the following topics:
 - a. Legal issues from submitters and the Applicant
 - b. Cultural effects
 - c. Plume modelling

- d. Benthic ecology
- e. Seabirds
- f. Marine ecology
- g. Economic evidence
- h. Effects on fishing (and Māori Fisheries Settlement) as raised by Te Ohu Kaimoana Trustee Limited and iwi
- i. Applicant's Reply

23. We propose that an issues list be developed from the comments filed on 6 October and the Applicant's response and oral representations in the week of 21-23 October. Oral legal submissions should then be focused on these issues, structured to avoid repetition, and coordinated between parties where appropriate. As in the Environment Court, parties should be encouraged to adopt each other's submissions on common points to ensure efficiency and clarity.

24. All interested parties with the right to comment, and who wish to present orally on legal issues, should be afforded that opportunity in accordance with the principles of natural justice. Strict time limits may be appropriate to promote efficiency.

Dated 20th October 2025



Ruby Haazen / Duncan Currie
Counsel for KASM and Greenpeace Aotearoa



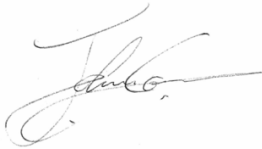
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