

MŌ TE TAKE
In the matter of

an application by Trans-Tasman Resources
Limited under the Fast-track Approvals Act 2024

MEMORANDUM OF COUNSEL ON BEHALF OF TE KAAHUI O RAURU

2 July 2025

Next conference:

Convener's Conference for Taranaki VTM Project [FTAA-2504-1048] – 7 July
2025

KĀHUI
LEGAL

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MAY IT PLEASE THE COURT

Introduction

1. This memorandum is filed on behalf of the trustees of Te Kaahui o Rauru Trust (**Te Kaahui o Rauru**) in response to the minute of the Associate Panel Convenor dated 26 June 2025 regarding the Taranaki VTM Project under the Fast-track Approvals Act 2024 [FTAA-2504- 1048] (the **Fast-track Act**) (the **Application**).
2. Te Kaahui o Rauru is the post-settlement governance entity for the iwi of Ngaa Rauru Kiitahi. The coastal boundaries for Ngaa Rauru Kiitahi span from Patea River in the north to Kaihau-a-Kupe, the mouth of the Whanganui river in the south.
3. Ngaa Rauru Kiitahi share close whakapapa links with other Taranaki iwi, and this has informed their approach in previous iterations of applications relating to the proposed Taranaki VTM project. In this regard, Te Kaahui o Rauru intend to continue to work closely with other Taranaki iwi in their response to the present Application.
4. Te Kaahui o Rauru representatives will attend the conference on 7 July 2025.

Schedule 1 Matters

5. Te Kaahui o Rauru have had the opportunity to engage with other Taranaki iwi in relation to some of the matters raised in the minute of the Associate Panel Convenor dated 26 June 2025. Te Kaahui o Rauru have also had an opportunity to review the comments prepared by Te Rūnanga o Ngāti Ruanui in response to the minute and, in addition to the submissions made in this memorandum, otherwise endorse the submissions made in the memorandum of counsel filed today on behalf of Te Rūnanga o Ngāti Ruanui.

Approvals and Complexity

6. This Application is likely to involve all criteria identified for assessing complexity and is therefore highly complex, including in legal, evidentiary and factual terms. The Application seeks a range of marine consents that

would otherwise require approval under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (**EEZ Act**).

7. In terms of legal complexity, the Application involves a number of novel or difficult legal issues, including the interface a number of statutes, including but not limited to:
 - (a) The Fast-track Act.
 - (b) EEZ Act.
 - (c) Resource Management Act 1991.
 - (d) Marine and Coastal Area (Takutai Moana) Act 2011.
 - (e) Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.
 - (f) Relevant Treaty of Waitangi settlement legislation, including the Ngaa Rauru Kiitahi Claims Settlement Act 2005.
8. The Application engages issues of constitutional law and requires consideration of Te Tiriti o Waitangi, the existing interests of iwi, hapū and other Māori groups in the takutai moana, including Ngaa Rauru Kiitahi and their whanaunga iwi, and consideration of tikanga Māori as the first law of Aotearoa. In particular, this will necessarily involve consideration of the particular tikanga of Ngaa Rauru Kiitahi and their whanaunga iwi. The Panel will also need to ensure that it is acting consistently with existing obligations arising under relevant Treaty settlements, including the deed of settlement between Ngaa Rauru Kiitahi and the Crown dated 27 November 2003.
9. Further, the project as described in the Application has been the subject of previous proceedings in the Environmental Protection Authority, Court of Appeal and Supreme Court. These proceedings involved a significant range of legal issues, including the application of tikanga Māori as well as other questions of law arising from the EEZ Act.
10. It is likely that the Application that the Panel will receive extensive evidence from expert, technical and tangata whenua witnesses in relation to the Application. Te Kaahui o Rauru will seek to provide (and/or support

other parties) submissions and/or evidence in opposition of the Application. In previous proceedings, parties in opposition worked collaboratively to comprehensively address the range of tikanga, technical, scientific and legal issues raised by the Application, including deficiencies in the evidence put forward by the applicants. However, due to the absence of some of these parties from the process under the Fast-track Act, it seems that iwi and other Māori parties may be required to address the full range of evidentiary issues. This places a greater burden on Te Kaahui o Rauru and representatives of other Taranaki iwi to cover a broader range of issues, and time will need to be factored in for this.

11. The Panel will be required to deal with any conflicts in the evidence presented to it. Due to the complexity, range and nature of the evidence likely to be provided, it is likely that the Panel will need to convene a hearing to address any issues of dispute or of particular complexity and any legal issues arising.

Issues

12. The Application is likely to raise a significant number of issues in dispute including, but not limited to:
 - (a) the relevant statutory criteria to assess the Application and appropriate interpretation of such criteria, particularly in light of the importance of considering Te Tiriti o Waitangi and tikanga in the decision making process, as well as existing Treaty settlements and Marine and Coastal Area Act matters;
 - (b) an assessment on the effects on the environment of allowing the proposed activity set out in the Application and any related legal issues;
 - (c) an assessment on the effects on existing legal interests, including the interests of Ngāa Rauru Kītahi and other iwi in and surrounding the relevant area.
13. Te Kaahui o Rauru also endorse the list of relevant factual and legal matters raised by Ngāti Ruanui.

Tikanga

14. Tikanga will play a significant role in these proceedings, as it is directly engaged in this process and by the Application. The role of tikanga was a key feature in previous proceedings, and previous proceedings included visit to marae in the rohe. In this regard, Te Kaahui o Rauru consider it essential under tikanga that engagement with the Panel occurs kanohi ki te kanohi. Te Kaahui o Rauru support their whanaunga iwi in a request to present tikanga evidence in person to the Panel through a hearing held in the rohe, kanohi ki te kanohi.
15. Te Kaahui o Rauru will be providing (and/or supporting other parties) submissions and/or evidence on tikanga matters. Such evidence will likely require in-person consideration at place and site visits in order for the Panel to engage with the evidence.

Hearing

16. For the reasons set out above, Te Kaahui o Rauru consider that a hearing will be necessary to hear evidence and legal submissions in order to determine this Application. A hearing will need to be held kanohi ki kanohi, within South Taranaki.
17. Te Kaahui o Rauru otherwise endorse the submissions of Ngāti Ruanui in relation to the proposed hearing process and consider that a minimum of three full weeks would be required for a hearing.

Panel members

18. The Fast-track Act requires that members of the Panel must collectively have knowledge, skills, and expertise relevant to the approvals sought in the substantive application, expertise in environmental matters, and **must include at least 1 member who has an understanding of te ao Māori and Māori development.**¹ Te Kaahui o Rauru consider that, at a minimum and given the matters raised in this Application, the Panel

¹ See Schedule 3, clause 7(b) of the Fast-track Act.

should have at least two members with an understanding of te ao Māori, Māori development and tikanga Māori.

19. Te Kaahui o Rauru is in the process of engaging with other Taranaki iwi in relation to potential Panel members. At this stage, Te Kaahui o Rauru that it is essential that in considering the skills and expertise required of Panel members, it will be of particular important for Panel members with understanding and awareness of the history and tikanga of relevant iwi and hapū and existing interests is required.

Procedural Requirements and Overall Timeframe

20. A sufficient timeframe is required to ensure appropriate evidence and submissions are put forward, which address the complexity of the Application and various issues and able to be tested and clarified. Based on previous proceedings and the exceptional nature of this Application, it is likely that at least six to eight months will be required.

Other Matters

21. Te Kaahui o Rauru seeks recovery of its legal fees for preparation for (including drafting of this memorandum), and attendance at, this conference.

DATED at Whanganui this 2nd day of July 2025



P Walker / T Hauraki / T Paki
Counsel for Te Kaahui o Rauru