
MINUTE 4 OF THE EXPERT PANEL

Additional material,
appointments of advisors and
further parties invited to
comment

Taranaki VTM Project
[FTAA-2504-1048]

(19 September 2025)

[1] This minute records the Panel's decisions and actions regarding additional information provided by the applicant, the appointment of a decision writer and legal counsel assisting the panel, and the invitation of additional parties to comment.

Additional Information Provided by the Applicant

[2] On 9 September 2025, the applicant submitted additional information to the Panel comprising 53 documents.

[3] The submission includes a Footnote Index, which identifies the location of documents referenced in the footnotes of the Taranaki VTM application. The index contains hyperlinks to relevant documents and references to Supplementary Technical Reports and Footnote documents.

[4] Under Schedule 3, clause 10 of the Fast-track Approvals Act 2024 (the Act), the Panel may regulate its own procedure as it considers appropriate, without procedural formality, and in a manner that best promotes the just and timely determination of the approvals sought in a substantive application.

[5] The Panel considers that additional information will assist in navigating the application and has therefore determined that it is appropriate to accept the information.

[6] Upon reviewing the documents provided, the Panel has identified that one report referenced in the application remains outstanding. Specifically, the applicant's Footnote Index states that Humpheson D (2017) has been updated by an appendix of

Report 4b – Rebuttal evidence Dr Simon Childerhouse – marine mammals – January 2024, and that the updated information is cited as Humpheson (2024).

[7] While the new information provides updated results, the consultant’s advice note (Humpheson 2024) is not a full update of the original Humpheson D (2017) report. Accordingly, the Panel requests that the applicant provide the following document:

Humpheson D (2017) Trans-Tasman Resources – Acoustic Modelling.
Unpublished report to TTR, referred to in footnote 158 of the application document.

Appointment of Decision Writer

[8] In accordance with its powers under Schedule 3, clause 10 of the Act, the Panel has determined that it would benefit from the support of a decision writer to assist in the preparation of its decision documentation.

[9] This support is considered necessary due to the complexity and volume of material associated with the application.

[10] The Panel has appointed experienced decision writer Carolyn Wratt to provide decision-writing services.

[11] The Panel notes that the appointment of a decision writer does not affect its responsibility for making the final decision on the application. The decision writer acts in a supporting capacity only, and all substantive decisions remain the sole responsibility of the Panel.

Appointment of Legal Counsel

[12] Senior legal counsel, Sally Gepp KC, has been appointed to advise on legal issues that may arise during the Panel’s consideration of this application. This support is considered prudent given the potential for legal complexity and the need to ensure the Panel’s processes and decisions are robust and legally sound.

[13] Ms Gepp, who specialises in the fields of resource management law, public and administrative law, and environmental law, was appointed King’s Counsel in 2024.

[14] Before recommending Ms Gepp’s appointment, the Panel considered her disclosure of the extent of her prior involvement with earlier applications made by Trans-Tasman Resources Limited (TTR), as set out below.

[15] Ms Gepp was employed by the Royal Forest and Bird Protection Society (Forest and Bird) from 2010 to 2019 as one of its in-house legal counsel. She has reviewed the timeline of TTR's previous applications and confirmed the following :

- She had no involvement in TTR's 2013 application, which was declined by the EPA.
- She had no involvement in the EPA process for TTR's 2017 application, which was granted.
- Although Forest and Bird appealed the 2017 decision, Ms Gepp does not recall having any substantive involvement in the appeals. She was not listed as counsel in any of the court decisions.
- Ms Gepp disclosed to the Panel that her name appears on Forest and Bird's Notice of Appeal to the High Court dated 31 August 2017, but the document was signed and filed by another counsel, and she does not recall having any substantive involvement in the proceeding.
- Ms Gepp did discuss the Supreme Court decision in *Trans-Tasman Resources Limited v Taranaki-Whanganui Conservation Board* [2021] NZSC 127 with a colleague due to its significance, but this was in a general professional context.
- She had no involvement in the EPA's reconsideration of TTR's application in 2023, nor has she been instructed in relation to TTR's current application under the Fast-track Approvals Act.

[16] The Panel is satisfied that, given her limited and indirect involvement in earlier matters under different legislation, and the passage of time since those events, Ms Gepp KC has no conflict of interests arising from her former employment with Forest and Bird that would justify not appointing her to an advisory role.

[17] Ms Gepp's role will be limited to advising on specific legal matters as required, and she will not be engaged in any decision-making capacity. The Panel will not receive any advice from Ms Gepp on any comments received by the Panel from Forest and Bird. All decisions will remain the sole responsibility of the Panel.

Additional Parties Invited to Comment

[18] On 8 September 2025, the Panel issued invitations to comment under s 53 of the Act.

[19] Following this, the Panel received three additional requests from parties

seeking to be included in the invitation to comment.

[20] One request was received from the Ngā Motu Marine Reserve Society (NMMRS), which advocates for small marine reserves along the north Taranaki coast. NMMRS has a documented history of making relevant submissions to statutory and other entities regarding the issue of seabed mining off the South Taranaki coast. Among other things, it has a special interest in the well-being of the kororā (little blue penguin) population which inhabits the vicinity of the proposed project. The Panel agrees that it is appropriate to extend the invitation to comment to the Ngā Motu Marine Reserve Society.

[21] The second request was received from Mr Jamie Newell, owner/director of Marine Services Wanganui Limited (MSWL), a company supplying marine services and equipment to those engaged in recreational and commercial marine activities in the Whanganui–Manawatū region. It is claimed that the company’s interests will be adversely affected if seabed mining in the proposed project area results in a reduced demand for the company's products and services. Mr Newell also submitted a request on behalf of several fishing clubs in the region.

[22] The Panel acknowledges that Mr Newell appears to have a genuine interest in the potential effects of the proposed mining operations, but it does not seem that it is any greater than the interest of members of the public generally. In the Panel’s view, the concern about a potentially adverse impact of the proposed mining activity on the company’s interests is speculative, at best. Neither Mr Newell nor his company appear to be in a position to provide the Panel with any evidence or expert opinions about relevant matters that are not likely to be provided by others who have been invited to comment. Accordingly, the request on behalf of MSWL is declined.

[23] The third request was received from Te Tōpuni Ngārahu Trust, who were invited to comment as a relevant iwi authority / Treaty settlement entity. Their request identified Tōpuni Kōkōrangī, who were not identified in the s18 report and not included in the invitation to comment. Te Tōpuni Kōkōrangī is a newly established statutory governance body created under the Taranaki Maunga Collective Redress Act 2025. It plays a central role in the co-governance and protection of Te Kāhui Tupua, the legal personality that now embodies Taranaki Maunga and its surrounding peaks.

[24] Te Tōpuni Kōkōrangī is already established as a statutory body with recognised standing as a public body under the Local Government Act and as an iwi authority under the (s53(1) of the Resource Management Act 1991 and to submit and

be heard on matters affecting Te Kāhui Tupua. Inviting both Te Tōpuni Ngārahu Trust and Tōpuni Kōkōrangī to comment, is consistent with the Panel's s 7 FTAA obligations to act consistently with Treaty settlements.

[25] Comments from participants who are invited to comment must be received by the Environmental Protection Authority (EPA) no later than Monday, 6 October 2025.

A handwritten signature in blue ink, appearing to read 'Kit Toogood', is positioned to the left of a vertical line.

Hon. Kit Toogood KC
Taranaki VTM Expert Panel chair