



EXCLUSIVE ECONOMIC ZONE AND CONTINENTAL SHELF (ENVIRONMENTAL EFFECTS) ACT 2012 (the Act)

Coastal Resources Limited (CRL) application for marine dumping consent

M2 – Minute of the Decision-making Committee – 24 September 2018

Request for legal advice from counsel assisting the Decision-making Committee

1. The Decision-making Committee (DMC) has identified two legal issues that it wishes to receive legal advice on from counsel assisting the DMC before the hearing begins.
High Court decision on Trans-Tasman Resources Limited
2. We note that the High Court has recently released its decision in the appeal against the grant of marine consents to Trans-Tasman Resources Limited. Please provide a summary of this decision, and in particular please highlight any factors arising in respect of adaptive management that the DMC should be aware of in dealing with the CRL application.
Status of existing marine consent
3. CRL currently holds a deemed marine consent enabling dumping of 50,000 tonnes of dredged material to the site which is the subject of the current application for dumping of 250,000 tonnes of dredged material. In its application, it has stated it will surrender the existing consent if a new consent is granted (page 53 of the Impact Assessment).
4. Please provide advice on how the DMC should account for the existing marine consent in its consideration of the new application. Please also provide advice on the legal mechanisms available, if a new marine consent is granted, to deal with the existing marine consent by surrender or otherwise.

Process

5. This legal advice is to be provided to the DMC by 12 October 2018. The EPA will put the advice on the EPA website and distribute it to the parties in the same way as other information for the hearing.

6. Parties should note that this is not a request for input from parties, but all parties are welcome, if they wish, to address these matters in any legal submissions at the opening or closing of the hearing. This in no way restricts or imposes requirements on these legal submissions.

For the DMC:

A handwritten signature in black ink, appearing to read 'Mark Farnsworth', written in a cursive style.

Mark Farnsworth

DMC Chair

24 September 2018