

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

Reconsideration of Coastal Resources Limited (CRL) application for marine dumping consent EEZ100015

M10 – Minute of the Decision-making Committee – 13 February 2020

Reconsideration of the CRL marine dumping consent

1. On 11 February 2020 the Decision-making Committee (DMC) met to consider the High Court's decision on the appeal and judicial review of the EPA's decision to grant a marine dumping consent to CRL (EEZ100015), and the Court's directions to have regard to the advice of the EPA's Māori Advisory Committee, Ngā Kaihautū Tikanga Taiao (NKTT) for meaningful engagement with local iwi and groups that may be affected by the application.
2. The DMC reconsidered the NKTT Report in light of the High Court's direction, in particular:
 - a) The NKTT advice that CRL's application and Impact Assessment reflected a lack of engagement with iwi and hapu with existing interests; and
 - b) A lack of identification of cultural values in the application and the Impact Assessment.
3. The DMC requested (under s 56 of the Act) the EPA staff to review the submissions from iwi authorities and groups who may be affected by the application in light of the NKTT advice, and clearly identify the information gaps and who may be the best person/entity to obtain that information from. The information is to be provided to the DMC prior to the next DMC meeting and will be made available on the EPA website and sent to submitters and the applicant.
4. The DMC noted that the powers to request information under sections 54 and 56 of the Act are sufficient to enable the information gaps to be filled, and that the scope of the reconsideration is confined to the matters raised in the NKTT Report. Therefore, the DMC considers it is not necessary to reconsider the application in its entirety, nor is it necessary to notify the application again.
5. The DMC will reconvene on **25 March 2020** to determine how best to engage and obtain the information to fill the gaps identified in the NKTT Report and relevant submissions.

6. Following this next meeting the DMC will be in a position to set the timeframes for the process going forward. A minute will then be issued that will make directions to obtain the necessary information from the relevant persons/entities.

For the DMC:

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

Mark Farnsworth

DMC Chair

13 February 2020