

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

Coastal Resources Limited (CRL) application for marine dumping consent

M6 – Minute of the Decision-making Committee – 15 November 2018

Procedural matters raised by CRL

1. On 13 November 2018 the Decision-making Committee (**DMC**) received a memorandum of counsel from CRL in regards to various procedural matters. The DMC addresses each of these matters below.

Timing of technical reports to assist DMC

Expert conferencing

2. CRL has outlined that the receipt of the reports from the DMC's ecology and oceanographer experts present some timing difficulties in relation to the expert conferencing to be undertaken.
3. The DMC notes the 2 page addendum to the initial NIWA review of the monitoring programme and the information in the Bioresearches Report has now been received. In addition, the DMC has also provided a list of questions they would like the participants of the expert conferencing and facilitated meeting on marine mammals to consider. The addendum report and questions were circulated to parties and placed on the EPA website on 14 November 2018.
4. As all of the information in regards to Marine Ecology has now been received. The DMC does not propose to change the date of this conferencing session, and this will remain 16 November 2018.
5. However, the oceanography and sediment dispersal expert conferencing session will be moved to Thursday 22 November 2018. The DMC consider this new date will ensure the experts have sufficient time to review the information provided by Dr Claus Pederson and will provide the best available information to the DMC in the joint witness statement.
6. The planning and conditions conferencing session is to be moved to Tuesday 27 November 2018. This is to ensure the planning experts have all of the other disciplines joint witness statements and information available before they conference.
7. An updated list of the dates and participants for each expert conferencing session and the facilitated meeting on marine mammals is provided in **Appendix 1** to this Minute.

Supplementary statements

8. Rather than providing comments to the DMC on outstanding matters by 12pm 26 November as outlined in DMC Minute 5, CRL has made a request to the DMC that their experts can provide supplementary statements of evidence on outstanding matters when they present their evidence at the hearing.
9. The DMC has considered this request and notes it is preferable if such supplementary statements could be filed prior to the hearing. However, to ensure the DMC has the best available information by allowing further preparation time, the DMC has agreed to allow CRL's witnesses to prepare succinct supplementary statements and present these statements when they appear at the hearing.
10. The DMC notes that no other party will have had the opportunity to provide comment on these supplementary statements. Therefore, if a party would like to comment on any matter raised in one of CRL's supplementary statements, they may do so during their presentation / representation at the hearing. In addition, if at the hearing a party would like to question an expert based on the information in the supplementary statement then a request may be made through the Chair at the hearing, preferably in writing.

Economic Review

11. The DMC notes that CRL has commissioned an economist Greg Akehurst of Market Economics. Mr Akehurst is to undertake further analysis and assess the recommendations made by the DMC's economist Mr Kieran Murray. CRL has estimated that this work will not be completed until the 27 November 2018, the eve of the hearing.
12. To ensure the DMC has the best available information, we will accept the late work undertaken by Mr Akehurst and him being called as a witness by CRL, the EPA staff will also add him to the hearing schedule. Mr Akehurst's work should be received no later than **12pm 27 November 2018**, so that the EPA has sufficient time to place it on its website and circulate it to the parties prior to the hearing beginning.
13. As no other party will have had the opportunity to provide comment on Mr Akehurst's work. The DMC invites parties who would like to request to question Mr Akehurst to notify the EPA by **12pm 29 November 2018**. The request should outline what specific topics are to be covered and an estimate of the time required. However, if a party would like to make comment about any matter raised in the report, they may do so during their presentation / representation at the hearing.
14. The DMC also agrees with CRL that there is benefit in Mr Akehurst and Mr Murray to conference in relation to economics and produce a joint witness statement. This conferencing should take place on **Friday 30 November 2018**. The outcomes of the session will need to be recorded and

submitted to the DMC no later than **12pm 4 December 2018**. Each of these experts will be scheduled to appear at the hearing after this time.

15. The facilitator will contact the participants directly to arrange the logistics of the meeting. To enable the facilitator to do this, CRL is to provide the contact details (email and phone) of Mr Akehurst to the EPA by **12pm 21 November 2018**.

Request to Question witnesses

16. The DMC notes CRL's intention to request to question the DMC's technical experts (Dr Daniel Leduc, Dr Claus Pederson and Ms Catherine Clarke). The DMC is agreeable to this and the EPA will add these requests into the hearing schedule. If following the receipt of the joint witness statements CRL no longer wishes to question any of these experts, they can update the DMC as part of their opening representations.
17. If any other parties would like to request to question any of the DMC experts (Mr Kieran Murray (Economics), Dr Daniel Leduc (Marine Ecology), Dr Claus Pederson (Oceanographer) and Ms Catherine Clarke (Conditions)) and have not yet notified the EPA, they are to notify the EPA no later than by **12pm 20 November 2018** and outline what specific topics are to be covered and an estimate of the time required.

Information on commercial Fisheries

18. The DMC notes the update provided by CRL in relation to the analysis undertaken by Trident Systems to address the concerns raised by Fisheries Inshore NZ (**FINZ**). We also note CRL's statement that FINZ no longer wishes to pursue concerns about the potential effects on commercial fishing activity.
19. Before the DMC makes a direction in regards to whether the analysis undertaken and information from Trident Systems would be requested by the DMC, we seek confirmation from FINZ that their position is as documented in CRL's 5th memorandum of counsel. Therefore the DMC requests FINZ to contact the EPA by **12pm 20 November 2018** to confirm their position.
20. Following the FINZ response, the DMC will then consider whether or not the DMC needs the information from Trident Systems, in the context of the statutory requirements to consider effects on existing interests.

For the DMC:



Mark Farnsworth

DMC Chair

15 November 2018

Appendix 1: Updated dates for expert conferencing and the facilitated meeting on marine mammals

Expert conferencing

16 November 2018

Session 1: Marine ecology

Experts to attend	Nominated By	Topics Covered
Simon West	Coastal Resources Limited	Marine Ecology
Dr Daniel Leduc	Decision-Making Committee	Marine Ecology
Clinton Duffy	Department of Conservation	Marine Ecology
Dr Daniel Kluza	Ministry for Primary Industries (Biosecurity NZ)	Biosecurity
Richard Ford	Ministry for Primary Industries (Fisheries NZ)	Fisheries

22 November 2018

Session 2: Oceanography and sediment dispersal

Experts to attend	Nominated By	Topics Covered
Connon Andrews	Coastal Resources Limited	Sediment dispersal and oceanography
Dr Claus Pederson	Decision-Making Committee	Sediment dispersal and oceanography
Peter Longdill	Department of Conservation	Sediment dispersal and oceanography

27 November 2018

Session 3: Planning and conditions

Experts to attend	Nominated By	Topics Covered
David Hay	Coastal Resources Limited	Planning and conditions
Catherine Clarke	Decision-Making Committee	Planning and conditions
Andrew Riddell	Department of Conservation	Planning and conditions
Craig Shearer	Empire Capital Limited	Planning and conditions

30 November 2018

Session 4: Economics

Experts to attend	Nominated By	Topics Covered
Mr Greg Akehurst	Coastal Resources Limited	Economics
Mr Kieran Murray	Decision-Making Committee	Economics

Facilitated meeting on marine mammals

19 November 2018

Session: Marine Mammals

Attendees	Nominated By
Dr Simon Childerhouse	Coastal Resources Limited
Prof Andrew Jeffs	Auckland Conservation Board