

**Before a Decision-Making Committee
Of the Environmental Protection Authority**

EEZ100015

Under the Exclusive Economic Zone and
Continental Shelf (Environmental
Effects) Act 2012

In the matter of an application for a marine dumping
consent to dump dredged material at a
deep-sea site east of Great Barrier
Island

By **Coastal Resources Ltd**

Applicant

**MEMORANDUM OF COUNSEL FOR COASTAL RESOURCES LTD
IN RELATION TO ANTICIPATED HEARING PROCEDURES
19 September 2018**

Izard Weston
Lawyers
Wellington
Person Acting: J Burton
Telephone: (04) 494 6270
Email: john.burton@izardweston.co.nz
P O Box 5639, Wellington 6145

Counsel Acting
M J Slyfield
Stout Street Chambers

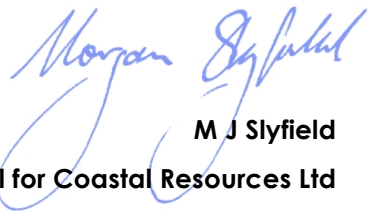
(04) 915 9277
morgan.slyfield@stoutstreet.co.nz
PO Box 117, Wellington

MAY IT PLEASE THE COMMITTEE

1. Coastal Resources Ltd (**CRL**) anticipates the Decision-Making Committee (**DMC**) will shortly issue hearing procedures, which will include a date by which CRL is to file evidence in support of its application. The purpose of this memorandum is to provide information to the DMC that may assist in setting an appropriate date for CRL's evidence.
2. As the DMC is aware, submissions closed on 10 September 2018. A significant number of submitters have raised matters that warrant responses in CRL's expert evidence. That work is underway, and it is clear from the extent of the submissions and the matters raised that it will take a number of weeks to complete.
3. Also, a number of submissions have raised new matters that will need to be addressed in evidence additional to that CRL had anticipated it would call (including calling evidence from at least one expert not previously involved).
4. CRL has taken immediate steps to brief relevant experts, and has learned that at least two of its experts, in ecology and marine mammals, will need until at least [25] October to complete the additional work necessary to respond to new matters raised by submissions.
5. Taking into account the need for proper integration between its statements of evidence, CRL therefore estimates it will be in a position to file all of its primary statements of evidence by [25] October 2018.
6. This takes no account of any additional issues that may be raised in the Issues Report that was made available yesterday (18 September 2018), which CRL is currently reviewing.
7. CRL commits to provide the DMC with a comprehensive body of evidence in support of its application, and is mindful of the DMC's statutory obligation to base its decision on the best available information. CRL considers the evidence it is proposing to make available is a crucial part of the 'best available information' and

therefore respectfully requests that the hearing procedures accommodate CRL filing its evidence by [25] October 2018.

8. As no hearing procedures have yet been issued, CRL further submits that no other party could reasonably be prejudiced by CRL's proposed evidence date.
9. If a waiver or extension of any statutory time limit is required as a result of CRL's request, then CRL submits such waiver or extension would serve the interests of the community in achieving an adequate assessment of the potential effects of CRL's proposal.
10. Should the DMC require any further information or clarification on any aspect of the matters outlined above, CRL will take all reasonable steps to assist; and should the DMC consider it necessary to hear from CRL or submitters on such matters, counsel can be available at short notice.



M J Slyfield
Counsel for Coastal Resources Ltd

19 September 2018