

**BEFORE THE BOARD OF INQUIRY
TAMARIND DEVELOPMENT DRILLING APPLICATIONS**

EEZ100016

IN THE MATTER

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

AND

IN THE MATTER

of a Board of Inquiry appointed under
s52 of the Exclusive Economic Zone
and Continental Shelf (Environmental
Effects) Act 2012 to decide on
Tamarind Taranaki Limited's marine
consent and marine discharge consent
applications

**MEMORANDUM OF COUNSEL FOR THE APPLICANT REGARDING
TIMETABLING REQUIREMENTS**

DATED: 11 July 2018

PRESENTED FOR FILING BY:

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MAY IT PLEASE THE BOARD:

1. This memorandum is prepared on behalf of Tamarind Taranaki Limited (“Tamarind”).
2. The purpose of this memorandum is to request a deviation from a requirement identified in the Board’s Inquiry Procedures. Specifically, Tamarind requests an amendment to the following timetable requirements:
 - a. The due date for filing the Applicant’s evidence in chief, which is 12pm 16 July 2018;
 - b. The due date for filing the Applicant’s rebuttal evidence, which is 12pm 5 August 2018.
3. The reasons for seeking each request are set out below.

Due date for filing the Applicant’s evidence in chief

4. The due date for filing the Applicant’s evidence in chief is Monday 16 July 2018 at 12pm.
5. On Tuesday 10 July 2018 at 8.53 am, Tamarind received, via an email from the EPA, the following documents:
 - a. EPA’s Key Issues Report;
 - b. Technical Review of Oil Spill Modelling, prepared by Coffey Services (NZ) Limited;
 - c. Technical Review and Analysis of Operational Activities associated with Sidetrack Development Drilling and Marine Discharge Consent – Assessment Report, prepared by Oil and Gas Solutions Pty Limited; and
 - d. Review of Marine Environmental Impact Assessment, prepared by SEAPEN Marine Environmental Services.
6. On Tuesday 10 July 2018 at 5.03pm, Tamarind received, via an email from the EPA, two further information requests.

- a. The first further information request relates to other marine consents that may be required to undertake the proposed drilling activity.
 - b. The second further information request relates to questions arising from the EPA Key Issues Report and the technical advice referred to above.
7. There are a number of issues arising out of the Key Issues Report, the technical reviews and the further information requests, which Tamarind needs to consider, assess and respond to. It is submitted that it is appropriate that matters raised in the requests and the reports be considered and addressed by Tamarind's experts and where possible, that they respond to these matters in their evidence in chief. This will ensure there is consistency in the information presented to the Board and will avoid any confusion that might otherwise be caused. It will further ensure the Board and submitters have the best available information to hand and that the submitter's witnesses have the benefit of being able to consider Tamarind's witnesses respective positions on these matters when preparing their evidence.
8. It is submitted that 3 working days is insufficient time to enable Tamarind and its witnesses to properly and fairly undertake the necessary considerations, preparation and cross-referencing as between their various areas of expertise. Adhering to this timetabling requirement is likely to cause undue stress on Tamarind's team.
9. Counsel therefore respectfully requests that the date for filing the Applicant's evidence in chief, be amended to 12pm on 23 July 2018. This will coincide with the date that the further information requests are also due.
10. If this is likely to cause any prejudice to the submitters, Tamarind has no objection to the due date for the submitter's evidence being extended by the corresponding length of time, namely to 12 pm 27 August 2018.

Due date for filing the Applicant's rebuttal evidence

11. The due date for filing the Applicant's rebuttal evidence is 12pm 5 August 2018.
12. As previously advised to the EPA, during the period 10 September to 12 October 2018, two of Tamarind's witnesses and its legal counsel are all going to be overseas on leave with varying levels of connectivity. A third witness will also be overseas over a two week period at the end of September 2018.
13. Tamarind's ability to prepare and co-ordinate its rebuttal evidence and to adhere to the timetabling requirement will therefore be significantly limited and its ability to present its case will be prejudiced by the unavailability of its experts and Counsel.
14. Counsel therefore respectfully requests that the date for filing the Applicant's rebuttal evidence, be amended to 12pm on 19 October 2018 and that the remaining dates in the timetable be amended accordingly.
15. If however it is not possible to reschedule the hearing date, Tamarind respectfully proposes that the timetable be amended as follows:
 - 12pm 19 October 2018 – Applicant's rebuttal evidence due with the EPA
 - 12pm 24 October 2018 - Any revisions to requests to question any witnesses due with EPA (if required)
 - 26 October 2018 - Indicative Hearing Schedule released
 - 30 October 2018 - Hearing begins
 - 26 February 2019 - Decision. Decision publicly released as soon as practicable after that.

16. Tamarind seeks urgent directions from the Board with respect to these timetabling requests, but in particular with respect to the due date for filing the Applicant's evidence in chief.
17. If the Board requires any further information, please advise and/or should the Board wish to discuss these requests further, Tamarind is available for a tele-conference.

Dated 11 July 2018

A handwritten signature in blue ink, appearing to read 'LP Wallace / RE Eaton', written over a horizontal line.

LP Wallace / RE Eaton
Counsel for Tamarind Taranaki Limited