

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

Beach Energy Resources NZ (Holdings) Limited (Beach Energy)  
application for marine discharge consent

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M4 – Minute of the Decision-making Committee (DMC) – 10  
September 2020

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## Further information requested during the Hearing

1. Following the hearing on 8 September 2020, the Decision-making Committee (DMC) indicated that it would like to seek further information on the following matters from EPA staff and the applicant. The DMC has requested the following information under Section 8(2) of Schedule 3 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.

### **To EPA staff**

2. In his opening submission, Counsel for the applicant outlined why the applicant no longer supported a condition requiring compliance with an Emergency Spill Response Plan (ESRP) - proposed draft condition 13 in the Draft Conditions Table (Appendix 2 to the EPA Conditions Report).
3. This is set out in paragraphs 62-70 of Counsel for the applicant's opening legal submissions.
4. The DMC requests that the EPA responds to the applicant's position on the proposed ESRP condition 13.

### **To the Applicant**

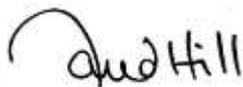
5. The DMC queried the fate of sodium hypochlorite in the marine environment and in particular how this reacts with organic materials. This was raised with respect to Mr Forrest's evidence at paragraph 78, in which he stated that "Sodium hypochlorite is a very unstable substance and will react rapidly with organic matter to break down into sodium chloride (NaCl – salt)".
6. The DMC would like further clarification as follows; "Is it possible that the breakdown of sodium hypochlorite in the presence of organic material can, in addition to the production of salt and water, result in the formation of organic chlorinated compounds that can persist in the marine environment?". If so, what are those compounds and what might be their adverse effect?
7. Clarification is also sought as to the existence of testing facilities on a MODU for the range of harmful substances that might potentially spill into and be discharged from the hazardous deck drainage system.

8. With particular respect to the NKTT advice reports, the DMC noted that the evidence with respect to the sodium hypochlorite discharge example and its chemical fate tended to focus on kaitiakitanga (and then more on Mauri rather than Māna and Tapu) rather than rangatiratanga and whakapapa / whanaungatanga. The DMC requests that the applicant clarify why those other interests / elements were not addressed?
9. The DMC is seeking further clarification on the intent and wording of proposed conditions 9 and 11.
10. The DMC also understands that the applicant will provide:
  - a. additional information about the meaning of “material harm” from pollution, for the purposes of section 10(1)(b) of the EEZ Act;
  - b. consider the possible inclusion of an advice note regarding a proposed Community Advisory Group for the broader EAD programme; and
  - c. comment further on Waitaha Taiwhenua’s proposed condition seeking a shutdown for 7 days in the event of an authorised discharge of harmful substances.

**Timeframe and next steps**

11. The DMC requests that the information set out in paragraphs 4 and 6-10 above be provided by **2pm Tuesday, 15 September 2020.**
12. The responses will be issued to all hearing parties and uploaded to the EPA website.
13. Depending on the nature of the responses, the DMC will then either:
  - a. invite comment from parties on one or more of the above matters if the DMC finds this to be appropriate or necessary; or
  - b. invite the applicant to submit its closing submissions.
14. Those next steps will be advised by subsequent Minute.

**For the DMC:**



David Hill  
Beach Energy Notified DMC Chair  
10 September 202