

File ref: EEZ100019

10 June 2020

Lisa te Heuheu
Tumuaki
Ngā Kaihautū Tikanga Taiao

Private Bag 63002
Wellington 6140, New Zealand

Level 10, Grant Thornton House
215 Lambton Quay
Wellington 6011, New Zealand

epa.govt.nz
+64 4 916 2426

E aku nui, e aku rahi, ngā mātā waka e tiaki i ngā taiao katoa mai i ngā maunga, ki ngā awa katoa, tēnā tātau katoa

Request for advice under section 56 of the EEZ Act regarding a notified marine discharge consent application by Beach Energy Resources NZ (Holdings) Ltd – EEZ100019 (Canterbury Basin)

The Application

On 25 March 2020, Beach Energy Resources NZ (Holdings) Limited (Beach Energy) lodged an application for marine discharge consent with EPA. Beach Energy is applying to discharge trace amounts of harmful substances from the deck drains of a Mobile Offshore Drilling Unit (MODU) as offshore processing drainage (OPD). The MODU will be used to drill exploration and appraisal wells in the Canterbury Basin within Beach Energy's Petroleum Exploration Permit area (PEP38264), although the notified application relates only to the discharge of trace amounts of harmful substances from the deck drains of any MODU used.

The OPD discharge requires public notification under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ) Act. The EPA notified the application on 22 May 2020 and the submission period closing on Monday 6 July 2020. If any parties request to be heard, a public hearing will be held within 40 working days of this date. A decision on the application will be made by an EPA-appointed Decision-making Committee (DMC).

Further information about this notified application can be viewed at <https://www.epa.govt.nz/public-consultations/open-consultations/beach-energy-marine-discharge-consent-application/>.

Beach Energy will need additional EEZ Act consents for any exploration or appraisal drilling to go ahead in the Canterbury Basin. These consents will be considered by a further DMC but, as the EEZ Act regulations classify exploration drilling as a non-notified process, a submission process does not take place for these applications.

Request for Advice

Section 56(1)(b) of the EEZ Act enables the DMC to seek advice from Ngā Kaihautū Tikanga Taiao (NKTT) on any matter related to the application – which advice it must have regard to under s59(3)(c). The DMC has decided it will commission such advice on the following matters.

Scope of your report

Your report should provide advice from a Māori perspective to assist the DMC to understand a Māori world perspective on Beach Energy's OPD application. The report should provide advice and recommendations on:

1. Beach Energy has identified existing (and cultural) interests in Section 5 of the Impact Assessment, and in its response to a further information request under section 56 of the EEZ Act in relation to recent case law. Is there anything else that the DMC should inquire about with respect to Māori existing interests? Please provide commentary as to the cultural or tikanga context of the existing interests identified by Beach Energy and any other that are identified by NKTT.
2. The key effects of the proposed activity that could be expected to be of concern to Māori/iwi and which the DMC should explore when considering the application. Please provide commentary as to the cultural and/or tikanga context of the key effects. This information will assist the DMC in respect of how to consider submissions, and other evidence received.

3. Beach Energy has proffered conditions of consent (Section 8 of the Impact Assessment and Appendix B) but, given their assessed limited extent of adverse effects, have not included any conditions specifically targeted at Māori/iwi. Please review the conditions and provide advice on:
 - a) What, if any, additional conditions (including reporting) might be appropriate to manage relevant effects of the proposed activities from a Māori/iwi perspective. Please provide reasoning for such conditions and how they relate to the key effects identified.

Note: this matter will be further reviewed once submissions are received but an early indication of NKTT's thinking would be helpful.

When forming the advice please note that:

1. It is not necessary to summarise the application.
2. The DMC acknowledges that any advice provided will not necessarily cover specific matters that iwi, hapū, or a Māori organisation might wish to raise in relation to any interest or concern they hold, through submissions or in response to any requests for information that the DMC may make. This limitation will be taken into account in considering the advice that NKTT provides.
3. If further matters or conditions are identified by NKTT, the DMC would appreciate specific recommendations on those, including as to how the DMC should proceed to address those matters and, in NKTT's considered opinion, the significance of any failure to do so.
4. The report is to be signed by the author(s). The DMC may require the author to present the findings of the report at expert conferencing or at any hearing (if required) later this year.

Documentation

In preparing your report you will need to review the information provided in Beach Energy's Impact Assessment and further information response.

To assist you, the DMC notes that the following sections of the Impact Assessment may be particularly relevant to this advice request:

- Section 3 – describes the proposed activity
- Section 4.4 – describes the cultural environment
- Section 5 – describes existing interests and engagement (including engagement with Iwi, Papatipu Rūnanaga and other stakeholder groups in Section 5.2)
- Section 7.3 – discusses potential effects on the environment and existing interests
- Section 8 – covers conditions proffered by Beach Energy.

Deadline for NKTT report

Your final report should be provided to the Decision-making Committee no later than **Monday 6 July 2020**, which is also the deadline for submissions from the public. Your report will then inform the DMC's analysis of submissions and whether it should seek further information from Beach Energy or other sources (including NKTT) prior to a hearing (if required).

If you have any questions or further queries (or need the DMC to clarify any of the above requests) please don't hesitate to contact Jillian Kennemore via email on jillian.kennemore@epa.govt.nz or by phone on 04 474 5507 or 027 641 7250.

Nō reira, he mihi manaaki ki a koutou

Nga mihi



David Hill
Chair, Beach Energy Decision-Making Committee

Document attachments/links:

- Application documents (including Impact Assessment)
- DMC letter date 29 April 2020 to Beach Energy requesting further information under s54 of the EEZ Act
- OMV response dated 18 May 2020 to further information request