

ENQ-40920-M8D2G6

17 March 2021

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Official Information Act Request

Tēnā koe [REDACTED]

Thank you for your official information request received on 17 February 2021 for the following information:

- *a copy of any marine consent that Beach Energy Limited holds for the Kupe offshore wellhead platform, pipeline to shore, and discharges down well.*
- *any current consent application that Beach Energy has filed in association with its activities at Kupe.*
- *any monitoring report on Beach Energy's Kupe operations in the last 3 years.*
- *any inspector report on Beach Energy's Kupe operations in the last 3 years.*

Kupe is an existing operation

Beach Energy currently have no active marine consents for the Kupe wellhead platform, pipeline to shore or for discharges down well.

The Kupe oil field was an existing operation at the time the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) came into force. Section 162 of the EEZ Act allows for an operator to continue with existing activities involving an existing structure or pipeline which would otherwise require a marine consent as a result of the EEZ Act coming into force. These existing activities may continue without a marine consent for the term of the relevant petroleum mining permit or privilege.

Beach Energy has no current consent applications for its activities at Kupe.

We are therefore refusing the part of your request for copies of any marine consents that Beach Energy hold for the Kupe oil field and any current consent applications at Kupe under section 18(e) of the Official Information Act 1982 (OIA) because the documents requested do not exist.

Management of the existing operation

The deemed marine discharge consent outlined how potential spill hazards from the wellhead platform would be managed to minimise effects to the environment. This deemed marine discharge

consent expired on 21 January 2019 and was not replaced as there are no discharges of harmful substances requiring authorisation by marine discharge consent.

An Oil Spill Contingency Plan and an Emergency Spill Response Plan (assessed and approved by Maritime New Zealand (MNZ) and the Environmental Protection Authority (EPA) respectively) ensures that Beach identify and mitigate spill risks from oil and other harmful substances for the Kupe field wellhead platform.

The Emergency Spill Response Plan was written to meet the requirements of Regulation 24 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects - Discharge and Dumping) Regulations 2015.

In accordance with section 164B(2) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act), a discharge management plan first approved by MNZ in 2009 (with subsequent amendments also approved by MNZ) was treated as if it was a marine discharge consent granted under the EEZ Act, for the term that is the same as the remaining duration of the discharge management plan.

A ruling under section 162(2) of the EEZ Act has been issued to regulate the installation and removal of subsea assembly and the associated equipment at the KS-2 Well. The rulings are available on our website <https://www.epa.govt.nz/industry-areas/eez-marine-activities/previous-applications-and-activities/rulings>

Inspection Reports

The EPA conducted an inspection in 2018 that has resulted in an ongoing investigation. We hold two reports relating to the inspection. The reports are withheld under section 6(c) of the OIA, they are directly connected with a process of enforcing the EEZ Act by ensuring compliance or investigating non-compliance with the EEZ Act and associated regulations. The making available of the inspection reports prior to conclusion of the investigation would be likely to prejudice the investigation underway.

Monitoring Reports

The OIA requires that we advise you of our decision on your request no later than 20 working days after the day we received your request. In this instance, it will not be possible to meet that time limit to provide you with monitoring reports for the past three years and we are therefore writing to notify you that we will need to extend the time to make our decision to 16 April 2021.

This extension is required because consultations necessary to make a decision on your request are such that a proper response cannot reasonably be made within the original time limit.

You have the right to seek an investigation and review by the Ombudsman of this decision. You can contact the Ombudsman on 0800 802 602, or by email at info@ombudsman.parliament.nz.

If you have any further queries, please do not hesitate to contact us via ministerials@epa.govt.nz.

We will publish your request and our response on our website, www.epa.govt.nz, within 10 working days from today. We make OIA responses available so others can read more about the work we do and the questions we are asked. Any information that might identify you will be removed to protect your privacy.

Nāku noa, nā

A handwritten signature in blue ink that reads "S Quayle". The signature is written in a cursive, flowing style.

Siobhan Quayle
Group General Manager
Regulatory Systems and Operations