

Attn: David Hill, Glenice Paine and Dayle Hunia

Environmental Protection Authority  
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Tēnā koutou,

I am aware that on 9 August 2019, OMV GSB Ltd (OMV) lodged application number EEZ200009 for marine consent and marine discharge consent to undertake exploration and appraisal drilling (EAD) as part of its proposed EAD programme in the Great South Basin off the Otago Coast.

The activities involved in exploration and drilling are non-notified activities under the Exclusive Economic Zone and Continental Shelf (Environmental Effects – Non notified Activities) Regulations 2014 and the Environmental Effects – Discharge and Dumping Regulations 2005.

The non-notified status of OMV's application means that **scientific experts, civil society, iwi and the wider public are not automatically able, through formal process, to review, scrutinise or be heard on the impacts of exploratory drilling**, let alone cross-examine applicants and make submissions on their ability to manage them.

However, **the EPA has the power to hold hearings into non-notified activities** (including exploratory and appraisal wells) under section 50(2) of the EEZ/CS Act, if the EPA considers it necessary or desirable.

Greenpeace, alongside other civil society organisations, experts and scientists, holds key evidence of relevance to the decision on whether or not to approve this application. It is critical for the Decision Making Committee (DMC) to consider the evidence of experts in its review of OMV's application, as well as to allow experts to scrutinise the evidence supplied by OMV.

**Given that the activity is non-notified, the opportunity for the EPA to hear the evidence of experts must happen at a public hearing. Therefore, we strongly urge the EPA to hold such a hearing.**

Following the recent hearing in Dunedin on OMV's application for a marine discharge consent (EZ100018), the DMC [issued a Record of consideration and decision on joint processing and decision making](#) – 30 August 2019, which declined to hold a joint hearing for the two applications under section 44(1) of the EEZ/CS Act. That Record noted that "A large number of the submissions received on the OPD Application requested the EPA to decline the OPD Application, and require OMV GSB to reapply with all of the related applications for marine consent that OMV GSB require to undertake the proposed EAD Programme, in order to allow the EPA to hear all of the related applications at the same time. They suggest this would allow their participation in a process that would consider the full suite of effects on the environment that may result from the proposed EAD Programme to be considered."

While it is disappointing that the DMC has declined to consider these applications together, the option of holding a public hearing into OMV's EAD application remains and should be pursued. **There is clear public interest and widespread concern at OMV's drilling programme, as evidenced by the more than 5,500 people and groups that contributed submissions to the aforementioned publicly-notified marine discharge consent consultation.** Due to the restricted scope of that process, the bulk of their concerns were not able to be considered through that forum.

The Chair of the DMC in charge of reviewing the marine discharge consent application, Mark Farnsworth, said in response to the representation of Mrs. Jen Olsen on 30 July 2019, "[You understand we have a very narrow brief and, with respect, what you're saying is well and true, but it belongs in another forum.](#)" Unless a public hearing is held into OMV's EAD application, no such forum exists, leaving the concerns of thousands of New Zealanders to fall on deaf ears. The EPA is the forum. The EEZ/CS Act has an entire Schedule, [Schedule 2](#), devoted to non-notified hearings. Parliament clearly envisaged such hearings.

**Due to the impacts of drilling, the severe consequence of potential spills on the marine environment, and the public interest, it is without doubt both necessary and desirable for the EPA to hold a public hearing into OMV's EAD application for the Great South Basin.** This is doubly so now that the EPA has decided not to hear the OPD and non-notified applications together.

Ngā mihi,



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