Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Bill

Government Bill

As reported from the Primary Production Committee

Commentary

Recommendation

The Primary Production Committee has examined the Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Bill and recommends by majority that it be passed. We recommend all amendments unanimously.

Introduction

New Zealand has about 1,200 marine farms. To operate, each needs at least one resource consent (referred to as a coastal permit) under the Resource Management Act 1991 (RMA). As of May 2024, around 200 marine farms have consents that are due to expire by the end of 2024. These are primarily in Marlborough, Southland, Northland, and Waikato. A further 150 consents are due to expire by 2030.

The bill would amend the RMA to extend the duration of all resource consents (coastal permits) required to operate existing marine farms by 20 years but not beyond 2050.

The extension, through new subpart 1A of Part 7A of the RMA, would:

- cover all the RMA consents needed for a marine farm to operate (such as a coastal permit to occupy or a coastal permit to discharge)
- apply to all marine farms that hold a current resource consent at the time the bill commences
- not extend the duration of any marine farm past 31 December 2050 (but any expiry dates currently beyond 2050 would not be changed)
- be granted automatically, without requiring an application from the consent holder.

The bill would also insert new subpart 1B into Part 7A of the RMA to provide a bespoke mechanism for consent authorities (councils) to review the conditions of consents extended under this legislation. Under the bill as introduced, the one-off reviews would:

- be optional for councils and must be initiated within two years of the extension
- not be cost-recoverable for the councils
- not amend the duration, species, or consented area covered by the consent
- only proceed with the agreement of the Director-General of the Ministry for Primary Industries
- need to be completed within two years of initiation
- allow for notification to the permit holder and specified groups or persons if the extended coastal permit applies in their rohe, with opportunity for them to make a submission
- limit appeal rights to the permit holder and any party who was notified of the review and made a submission.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss all minor or technical amendments.

Clarifying how the extension would apply to coastal permits

New section 165ZFHB sets out the types of permit that new subpart 1A (which would extend the duration of the consents) applies to. New section 165ZFHA defines some of the permit types. We propose some amendments to make it clearer how the extension is intended to apply to consents. As part of this, we propose changes in new section 165ZFHB to clarify the categories of coastal permits that are within the scope of the extension.

Applications under processing for existing permit holders

Section 165ZH of the RMA sets out matters relating to certain applications by existing permit holders for new coastal permits. In some circumstances, it enables permit holders to operate under the existing coastal permit until a decision is made on a new coastal permit. The bill as introduced is not clear as to whether the existing coastal permits that allow for an application under section 165ZH are extended if the permit holder has applied under section 165ZH for a new coastal permit. We recommend amending new section 165ZFHB to make it clear that coastal permits that are in force because of an application under section 165ZH are included.

Permits under section 87(c) of the RMA

We think the definition and application clauses should be clearer in how they refer to permits granted under section 87(c) of the RMA. Those permits are consents to do something in a coastal marine area that otherwise would contravene any of sections

12, 14, 15, 15A, and 15B of the RMA. Permits under section 87(c) were included in the extension under the bill to ensure that marine farms get extensions for any related discharge or structure permits, as well as their main aquaculture activity permit.

The bill should be clearer that subpart 1A, which extends the duration of consents, would apply to section 87(c) consents that relate to replacement permits, coastal permits that are in force under section 165ZH, and extant coastal permits. We recommend amending new section 165ZFHB to provide that the subpart applies to coastal permits within the meaning of section 87(c) if they relate to a coastal permit to which the subpart applies and if they are in force on the date the subpart comes into force.

Clarifying that conditions continue to apply to all coastal permits

New section 165ZFHC would extend coastal permits for marine farms either by 20 years or to December 2050 (whichever is sooner). Subsection (3) provides that the conditions of extant coastal permits would still apply except in certain situations. We recommend removing the word "extant" from this subsection as the subsection is intended to apply to all coastal permits under the subpart.

Purpose of a review of conditions applying to extended coastal permits

New section 165ZFHJ sets out the purpose of undertaking a review as: "to better promote the sustainable management of the natural and physical resources associated with the marine farm, without preventing the permit holder from carrying out the aquaculture activity to which the permit relates".

We think the new section should make it clear that the purpose of the review should be interpreted alongside the purpose and principles of the RMA (as set out in Part 2 of the RMA). We recommend amending new section 165ZFHJ to provide that a review must be undertaken in a way that is consistent with Part 2 and does not prevent the permit holder from carrying out the aquaculture activity to which the coastal permit relates.

Parties that should be notified of a review

New section 165ZFHL sets out that the consent authority may begin the review, after receiving the Director-General's concurrence, by giving notice of it to specified groups or persons. Those groups or persons may make submissions to the consent authority on the proposal, although no hearing may be held as part of the review.

Under the bill as introduced, the specified groups or persons include "rights and title holders" under the Marine and Coastal Area (Takutai Moana) Act 2011. This provision should be clearer about which "rights and title holders" are being referred to. We understand the intention was for this new section to refer to customary marine title holders and applicants for customary marine title. We propose that the bill provide that customary marine title holders and applicants under that Act should be notified and be able to make a submission on a review of consent conditions, if the extended coastal permit applies in their rohe. We recommend amending new section 165ZFHL(1)(a) accordingly.

Decision on the outcome of a review

If a review is undertaken by a consent authority, new section 165ZFHM would require the authority to make its decision within 2 years after beginning the review. We recommend replacing the word "beginning" with "initiating" to be clearer about the time period in question.

Section 131 of the RMA sets out the matters to be considered by a consent authority when reviewing the conditions of a resource consent. New section 165ZFHM(2)(a) provides that section 131 of the RMA would apply—with any necessary modifications—to the consent authority's decision making on such a review. We think that the new section should be clearer as to how section 131 is intended to apply. In practice, the whole of section 131 should apply, except for subsection (1)(aa) which relates to reviews ordered by a Court and which is therefore not applicable to this review process under new subpart 1B. We recommend specifying that section 131 must be applied as far as it is relevant to a review under subpart 1B, with any necessary modifications.

Clarifying that a consent authority's costs are not recoverable

Section 36 of the RMA allows a council to fix administrative charges, including charges payable by resource consent applicants. The bill would insert new section 165ZFHI(4) to provide that councils could not recover costs of a review undertaken under new subpart 1B of Part 7A.

We recommend amending 165ZFHI(4) to specify that the consent authority must bear its own costs of a review, other than costs arising from a request by the Director-General under new section 165ZFHK(3) for information not held by the consent authority in its normal course of business.

New Zealand Labour Party differing view

The Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Bill has been subject to a truncated select committee process, allowing only 13 days for submissions to be made. Labour members of the committee consider this to have been wholly insufficient for the purposes of allowing submitters adequate time to make considered submissions on the bill. Despite this shortened timeframe, those 1,100 individuals and organisations who have submitted are to be commended on doing so under such constraints. We acknowledge that more time to prepare submissions would have been a fairer approach for the Government to take when considering the select committee instructions regarding this, following the bill's first reading.

Of those submissions that have been received, the overwhelming majority (approximately 1,000 of the 1,100 submissions) do not support the passing of this bill. Such numbers, despite the truncated reporting timeframe, provide weight to the argument that there is a lack of public confidence in this bill progressing beyond first reading.

Labour does not support the blanket proposal to extend the lifespan of current coastal marine permits. The suggestion of a lesser timeframe of five years was offered up by

many submitters. This would be one way of providing some redundancy to current permit holders and was something, in the absence of support for no further period of extension, we were prepared to support. As a further compromise, albeit reluctantly, we offered up a suggested 10-year extension period to mitigate against a blanket 20-year period. Such a period would have allowed for existing use, but for a shorter period than that originally provided for in the bill.

We were comfortable to support an amendment that would specify that any extensions would not apply to fin fish farms. This was because the proportion of total consents that would relate to this type of farming activity would likely be limited in number, but this exclusion would also seek to acknowledge that there are often significant environmental mitigations that would need to be worked through.

Seven of the eight councils that submitted opposed the bill. Specifically, we heard from local government sector submitters that cost recovery for any reviews of consents would be an important issue that councils would have to grapple with. As the bill is currently drafted, it would serve as a disincentive for councils to consider seeking to engage with the process to seek a review. We are of the view that there must be a provision in the bill that provides for the cost recovery by consenting authorities who undertake a review of a consent.

Whilst we prefer a full cost recovery in this context, we were open to the possibility of providing for no more than 50 percent of costs as a ceiling for recovery from an applicant. In addition, this could have been further tempered by considering an additional rider; the requirement for consenting authorities to consider what costs would be fair and reasonable in determining the final quantum of costs for which recovery would be sought.

On the matter of an application to undertake a consent review, we do not believe that the Director-General should be involved in the decision to commence a review. We do not consider it appropriate for the Director-General to be involved in the resource management approvals process in this way and sought for the provision to be deleted.

It is disappointing that these amendments were not taken up by the committee, as they would have gone some way towards acknowledging the concerns that had been raised by submitters who engaged with the select committee process. As a result, Labour members remain opposed to this bill and are of the view that it should not be passed.

Green Party of Aotearoa New Zealand differing view

The Green Party strongly opposes the Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Bill.

The bill represents a significant overreach, undermining local autonomy, the rights of iwi Māori, and essential environmental protections. It shifts the burden of risk and costs from private entities to the public, misusing our common coastal marine area.

The bill is a result of a flawed and rushed consultation process, with only 13 days allowed for public feedback. Further, despite overwhelming opposition in public submissions (90 percent against the bill), the select committee has moved forward with

minimal changes. This dismissal of public and expert concerns is unacceptable, especially when it serves to prioritise private profit over basic environmental standards and local governance.

The bill is a violation of Māori rights and Te Tiriti o Waitangi. It infringes upon the rights of mana whenua and mana moana by excluding hapū and iwi from participating in consenting processes until 2050. It contravenes section 62A of the Takutai Moana Act 2011, which ensures participation rights in reconsenting processes, and potentially creates new grievances under Te Tiriti o Waitangi through conflicting with existing Treaty settlement legislation (as pointed out by Ngāti Toa).

The bill raises considerable environmental and regulatory concerns. It disregards the effective and current National Environmental Standards under which marine farms have been managed, without a single application being declined. It overlooks the detrimental effects of aquaculture on marine ecosystems, including risks to marine biodiversity and taonga species, nutrient pollution, and the introduction of hazardous substances.

Environmental experts and groups have highlighted severe potential impacts on marine biodiversity, with specific concerns about the effects on seabirds, marine mammals, and benthic ecosystems. Many farms operating since before the Resource Management Act was enacted in 1991 have not undergone modern environmental assessments, and extending these consents could cement harmful practices and risk causing irreversible damage to marine biodiversity. Animal welfare advocates have also highlighted the welfare risks to farmed fish—which are recognised as sentient in the Animal Welfare Act 1999.

The bill purports to be a positive step for industry. However, the bill likely cements outdated and substandard practices, reducing the ability to incorporate new environmental and cultural knowledge into consent conditions. It therefore risks damaging the social licence of the aquaculture industry.

The bill has significant financial implications for councils and ratepayers. It unfairly places the financial burden of reviews on local councils and ratepayers, with no provision for cost recovery from the industry which benefits. This approach disincentivises necessary periodic consent reviews, compromising the integrity of environmental oversight. It should be noted that all regional and unitary councils that submitted were in opposition to the bill, reflecting a broad consensus against the proposed changes at the local government level.

In light of these issues, amendments proposed by the Green Party and supported by Labour—such as reducing the extension period to five years, making the consent reviews cost-recoverable for councils, excluding fish farms, and specifying that extensions do not apply to consents already designated by councils as inappropriately located—were critical. However, these were opposed by Government members.

The bill, as it stands, is not only an infringement on local governance and Māori rights but also fails a basic level of protection for Aotearoa's coastal environment. It overlooks critical environmental assessments and the voices of those most affected—

iwi, hapū, and local communities. It entrenches outdated and potentially damaging activities that prioritise private interests at the expense of ecological health and public commons. For these reasons, the Green Party strongly opposes the bill and, given the lack of any substantial amendment, urges Parliament to reject it in its entirety.

Appendix

Committee process

The Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Bill was referred to our committee during a sitting of the House that began on 30 May 2024. The calendar date the bill was referred to us was 1 June 2024. The House instructed us to report the bill back no later than 18 July 2024.

We invited the Minister for Oceans and Fisheries to provide an oral submission on the bill. He did so on 27 June 2024.

We called for submissions on the bill with a closing date of 16 June 2024. We received and considered submissions from 1,100 interested groups and individuals. We heard oral evidence from 66 submitters at hearings in Wellington and via video-conference.

Advice on the bill was provided by the Ministry for Primary Industries and the Ministry for the Environment. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Mark Cameron (Chairperson)

Steve Abel

Miles Anderson

Hon Jo Luxton

Suze Redmayne

Cushla Tangaere-Manuel

Catherine Wedd

Related resources

The documents we received as advice and evidence are available on the Parliament website.

Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Bill

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously text deleted unanimously

Hon Shane Jones

Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Bill

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_	Other amendment to Resource Management Act 1991	
5	Section 123A amended (Duration of consent for aquaculture activities)	
The	Parliament of New Zealand enacts as follows:	
1	Title	
	This Act is the Resource Management (Extended Duration of Coastal Permits for Marine Farms) Amendment Act 2024 .	
2	Commencement	5
	This Act comes into force on the day after Royal assent.	
3	Principal Act	
	This Act amends the Resource Management Act 1991.	
	Part 1	
	Amendments to Part 7A of Resource Management Act 1991	10
4	New subparts 1A and 1B of Part 7A inserted	
	After section 165ZFH, insert:	
S	Subpart 1A—Duration of coastal permits for marine farms extended	
1652	ZFHA Interpretation	
	In this subpart and subpart 1B , unless the context otherwise requires,—	15
	extant coastal permit means a coastal permit that—	
	(a) is for an aquaculture activity in the coastal marine area; and	
	(b) is current on the day date on which this subpart comes into force; and	
	(c) expires earlier than 31 December 2050	
	extended permit review of conditions or review means a review carried out	20
	under subpart 1B	
	replacement permit means a coastal permit that—	
	(a) replaces an extant coastal permit; and	

	(b)	has a commencement date later than the date on which this subpart comes into force; and	
	(c)	s not being exercised by the permit holder.	
1652	ZFHB	pplication of subpart	
	This	bpart applies to—	5
	(a)	extant coastal permits; and	
	(b)	coastal permits within the meaning of section 87(c), if they relate to an aquaculture activity to which paragraph (a) applies; and	
	<u>(b)</u>	replacement permits; and	
	(e)	replacement permits; and	10
	(d)	extended coastal permits as provided for in section 165ZFHD(1).	
	<u>(c)</u>	coastal permits that are in force under section 165ZH on the date when this subpart comes into force; and	
	<u>(d)</u>	coastal permits within the meaning of section 87(c)—	
		i) to which paragraph (a), (b), or (c) applies; and	15
		(ii) that are in force on the date when this subpart comes into force.	
1657	ZFHC	xtension of coastal permits for marine farms	
(1)	The e	piry date of the coastal permits to which this subpart applies is extended thever is the sooner of—	
	(a)	the date that is 20 years after the date on which the permit would otherwise expire; and	2(
	(b)	31 December 2050.	
(2)	No ender 2	extension may be made under this subpart that applies beyond 31 Decem- 2050.	
(3) The conditions applying to an extant each coastal permit that is extend this section continue to apply, unless—			25
	(a)	a change to a condition is required as a consequence of extending the duration of the <u>coastal</u> permit; or	
	(b)	the <u>coastal</u> permit is subject to an appeal at the date on which this sub- part comes into force, in which case the conditions are those set by the decision made on the final appeal.	3(
(4)		ection does not affect the power under subpart 1B to undertake a of the conditions of a coastal permit that is extended under this section tion.	
1652	ZFHD	pdating of extended coastal permits	35
(1)	If, or	he day on which this subpart comes into force, the holder of an extant permit has lodged an application under section 165ZH and at the same	

time the duration of the extant coastal permit is extended under this subpart, the holder must, not later than 2 months after this subpart comes into force,—

(i) to continue operating under the extant coastal permit; or (ii) to continue with the application; and (b) notify the relevant consent authority of that decision. (2) A consent authority— (a) must, within 6 months of this subpart coming into force, update each extant coastal permit to record the expiry date of each, as extended under this subpart; but (b) may, for a period of 2 months after this subpart comes into force, suspend processing applications made under section 165ZH while holders of extant coastal permits make, and give notice of, the decision required under subsection (1). (3) A permit holder who decides to continue operating under an extant coastal permit as extended under this subpart coming into force. (4) However, if a permit holder decides to continue with the application lodged under section 165ZH, a coastal permit granted under that application lodged under section 165ZH, a coastal permit granted under that application does not qualify for the 20-year extension to the expiry date provided for under this subpart. 165ZFHE Consent holder must confirm which coastal permit is operational (1) This section applies to a consent holder who— (a) is operating under an extant coastal permit when this subpart comes into force; but (b) already holds a coastal permit to replace the extant coastal permit referred to in paragraph (a) (replacement permit). (2) Not later than 2 months after this subpart comes into force, a permit holder must confirm with the relevant consent authority whether the holder will operate under— (a) the extant coastal permit; or (b) a replacement permit. 165ZFHF Decision to operate under extant coastal permit (1) If a permit holder decides to operate under an extant coastal permit (see section 165ZFHE(2)), the holder must surrender the replacement permit referred to in section 165ZFHE(1)(b).		(a)	decid	de whether—	
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 (a) is operating under an extant coastal permit when this subpart comes into force; but (b) already holds a coastal permit to replace the extant coastal permit referred to in paragraph (a) (replacement permit). (2) Not later than 2 months after this subpart comes into force, a permit holder must confirm with the relevant consent authority whether the holder will operate under— (a) the extant coastal permit; or (b) a replacement permit. (1) If a permit holder decides to operate under an extant coastal permit (see section 165ZFHE(2)), the holder must surrender the replacement permit referred 	1657	FHE	Conse	ent holder must confirm which <u>coastal</u> permit is operational	
(b) already holds a coastal permit to replace the extant coastal permit referred to in paragraph (a) (replacement permit). (2) Not later than 2 months after this subpart comes into force, a permit holder must confirm with the relevant consent authority whether the holder will operate under— (a) the extant coastal permit; or (b) a replacement permit. 165ZFHF Decision to operate under extant coastal permit (1) If a permit holder decides to operate under an extant coastal permit (see section 165ZFHE(2)), the holder must surrender the replacement permit referred	(1)	This	section	n applies to a consent holder who—	
referred to in paragraph (a) (replacement permit). (2) Not later than 2 months after this subpart comes into force, a permit holder must confirm with the relevant consent authority whether the holder will operate under— (a) the extant coastal permit; or (b) a replacement permit. 165ZFHF Decision to operate under extant coastal permit (1) If a permit holder decides to operate under an extant coastal permit (see section 165ZFHE(2)), the holder must surrender the replacement permit referred		(a)	-		25
must confirm with the relevant consent authority whether the holder will operate under— (a) the extant coastal permit; or (b) a replacement permit. 165ZFHF Decision to operate under extant coastal permit (1) If a permit holder decides to operate under an extant coastal permit (see section 165ZFHE(2)), the holder must surrender the replacement permit referred		(b)			
 (b) a replacement permit. 165ZFHF Decision to operate under extant coastal permit (1) If a permit holder decides to operate under an extant coastal permit (see section 165ZFHE(2)), the holder must surrender the replacement permit referred 35 	(2)	must	must confirm with the relevant consent authority whether the holder will oper-		
165ZFHF Decision to operate under extant coastal permit (1) If a permit holder decides to operate under an extant coastal permit (see section 165ZFHE(2)), the holder must surrender the replacement permit referred 35		(a)	the e	xtant coastal permit; or	
(1) If a permit holder decides to operate under an extant coastal permit (see section 165ZFHE(2)), the holder must surrender the replacement permit referred 35		(b)	a rep	lacement permit.	
tion 165ZFHE(2)), the holder must surrender the replacement permit referred 35	1657	ZFHF	Decisi	ion to operate under extant coastal permit	
	(1)	tion	165Z	FHE(2)), the holder must surrender the replacement permit referred	35

(2) The surrender under subsection (1) takes effect when the permit holder receives a written acknowledgement from the consent authority that it has received notice that the replacement permit is surrendered. 165ZFHG Decision to operate under replacement-coastal permit This section applies if the holder of an extant coastal permit decides to operate 5 (1) under a replacement coastal permit (see section 165ZFHE(2)). (2) A permit holder is entitled to operate under the extant coastal permit until the replacement permit eomes into force commences in accordance with the terms of the replacement permit. A permit holder who surrenders an extant coastal permit and uses a replace-10 (3) ment permit under section 165ZFHE(2)(b) remains liable under this Act for-(a) any breach of the conditions of the extant coastal permit occurring before that permit is surrendered; and completing any work to give effect to that permit, unless the consent 15 (b) authority directs otherwise when it acknowledges the surrender. 165ZFHH Application of extension where coastal permit under appeal The extension of a coastal permit described in **section 165ZFHC(1)** applies (1) to a coastal permit that— (a) was granted or declined before the date on which this subpart comes into 20 is the subject of an appeal that results in the granting of a coastal permit. (b) The extension does not apply— (2) (a) until all rights of appeal are exhausted; or 25 (b) if, on appeal, the application for a coastal permit is declined or withdrawn. Subpart 1B—Review of conditions applying to extended coastal permits 165ZFHI Power to undertake review (1) A consent authority may review the conditions of any coastal permit that is extended under **subpart 1A**. 30 (2) This subpart is in addition to, and does not affect the application of,—

sections 127 to 129, which provide for—

condition of a coastal permit; or

(i)

(ii)

and

a consent authority to review the conditions of a coastal permit;

the holder of a coastal permit to apply to change or cancel any

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	(b)	section 133, which preserves the power of the Environment Court under Part 12 to change or cancel a coastal permit by an enforcement order.	
(3)	A review undertaken under this subpart—		
	(a)	must commence not later than 2 years after this subpart comes into force; and	5
	(b)	must not be undertaken more than once in relation to any coastal permit; and	
	(c)	must not amend the duration of a coastal permit extended under section 165ZFHC(1) , or change the species or consented area to which the coastal permit relates.	10
(4)	its ov	ite section 36, a consent authority is not entitled to recover the <u>must bear</u> wn costs of a review undertaken under this subpart, other than any costs ag from a request by the Director-General under section 165ZFHK(3) aformation not held by the consent authority in its normal course of busi-	15
165Z	FHJ	Purpose of review	
	agen	ourpose of undertaking a review is to better promote the sustainable man- tent of the natural and physical resources associated with the marine farm, out preventing the permit holder from earrying out the aquaculture activity which the permit relates. as long as the review is undertaken in a way that—	20
	<u>(a)</u>	is consistent with Part 2; and	
	<u>(b)</u>	does not prevent the permit holder from carrying out the aquaculture activity to which the coastal permit relates.	
165Z	FHK	Concurrence of Director-General required for review to proceed	
(1)	provi tries	re a consent authority may undertake a review under this subpart, it must de a proposal to the Director-General of the Ministry for Primary Indus- (the Director-General) that sets out how the consent authority considers roposed review meets the purpose of a review under this subpart.	25
(2)	Not 1 must	ater than 20 working days after receiving a proposal, the Director-General	30
	(a)	decide whether to concur with the consent authority that the proposal is consistent with the purpose of the review; and	
	(b)	notify the relevant consent authority in writing of that decision.	
(3)	relev to th recei	he purpose of making that decision, the Director-General may request the ant consent authority and permit holders to provide information in writing e Director-General not later than 20 working days after the request is ved. the relevant consent authority and permit holders who may, provide aformation in writing.	35
(4)	The i	nformation requested	

(a)

authority; and

must be provided as requested, in the case of a request to the consent

	(b)	may l	be provided in the case of a request to a permit holder.	
5)	The time that the Director-General may need to obtain information from the relevant consent authority and permit holders is in addition to the 20 working days specified in subsection (2) .			5
6)	tion propo	(3) , th sal u	mation is not received in full within the time specified in subsec - e Director-General may decide whether to concur with the review nder subsection (2)(a), taking into account the information thin that time.	10
65Z	FHL :	Proces	s applying to review	
1)	notice	e of the	an 20 working days after a consent authority has received written ne Director-General's concurrence with the proposed review, the nority may initiate a review of the conditions of an extended coastal otifying that intention to—	15
	(a)	•	of the following groups or persons if the extended coastal permit es in their rohe:	
		(i)	iwi authorities:	
		(ii)	post-settlement governance entities:	
		(iii)	Ngā Hapū o Ngāti Porou as defined in section 10 of Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019:	20
		(iv)	iwi and hap $\bar{\mathbf{u}}$ that are party to a Mana Whakahono $\bar{\mathbf{a}}$ Rohe under this Act:	
		(v)	rights and title holders under the Marine and Coastal Area (Takutai Moana) Act 2011; and	25
		<u>(v)</u>	customary marine title groups (within the meaning of the Marine and Coastal Area (Takutai Moana) Act 2011) that—	
			(A) hold customary marine title in an area under that Act; or	
			(B) have applied under that Act for customary marine title but whose application has not yet been determined; and	30
	(b)	the pe	ermit holder.	
2)	-		ersons notified under this section subsection (1) may make subthe proposed review to the relevant consent authority—	
	(a)		n 20 working days after limited notification was given under sub-	
			ion (1); and	35
	(b)		cordance with section 96(5) to (7).	
3)	hearii	ng as p	authority undertaking a review under this subpart must not hold a part of that review and nothing in sections 99 to 103B applies to a er this subpart.	
			7	

1657FUM	Decision on	MONION
	Decision on	review

- (1) A consent authority that undertakes a review under this subpart must, not later than 2 years after <u>beginning-initiating</u> the review, decide whether to add to, amend, or make no change to, any condition of the coastal permit under review.
- (2) In making that decision, the consent authority must—

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- (a) apply section 131, as far as it is relevant to a review under this subpart (and with any necessary modifications); and
- (b) consider any submissions received under **section 165ZFHL(2)**.
- (3) The consent authority must, as soon as is reasonably practicable, give written notice of the outcome of the review to the persons notified if they made a submission (see section 165ZFHL(1) and (2)).

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165ZFHN Right of appeal

(1) The following persons may appeal to the Environment Court against the whole or part of any decision made by the consent authority in the review of conditions under this subpart:

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- (a) the permit holder; and
- (b) any person or group who was notified under **section 165ZFHL(1)** and who made a submission under **section 165ZFHL(2)**.
- (2) Section 121 applies to an appeal under this section.

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165ZFHO Final right of appeal

There is a final right of appeal on a question of law to the High Court, subject to sections 299 to 304.

Part 2

Other amendment to Resource Management Act 1991

5 Section 123A amended (Duration of consent for aquaculture activities)
After section 123A(4), insert:

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(5) The duration of a coastal permit to which this section applies is subject to any extension that may apply under **subpart 1A of Part 7A**.

Legislative history

30 May 2024

Introduction (Bill 56–1), first reading and referral to Primary Production Committee

Wellington, New Zealand: