

Resource Management (Restricted Coastal Activities) Amendment Bill

Member's Bill

Explanatory note

This Bill amends the provisions of the Resource Management Act 1991 relating to restricted coastal activities. Where an inquiry for a restricted coastal activity by the Environment Court under section 118(6) has been determined, the sealed recommendation of the Environment Court is the final decision, and the coastal permit commences on the date of the decision or a later date determined by the Environment Court.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides for the amendments to come into force on the day after the date of Royal assent.

Clause 3 states that the principal Act being amended is the Resource Management Act 1991.

Clause 4 repeals section 119 of the principal Act and substitutes a new section 119. The new section 119 makes it clear that the sealed recommendation of the Environment Court is the final decision, and the coastal permit commences on the date of the decision or a later date determined by the Environment Court.

Clause 5 amends section 119A to insert a reference to the Environment Court in each instance where it refers to the Minister of Conservation.

Clause 6 inserts a new section 199B in the principal Act to provide that a decision of the Environment Court under section 119(2) has effect from the date of that decision.

Hon Dr Nick Smith

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Resource Management (Restricted Coastal Activities) Amendment Act **2006**.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent. 5
- 3 Principal Act amended**
This Act amends the Resource Management Act 1991.

4 New section 119 substituted

Section 119 is repealed and the following section substituted:

“119 Final decision on application for restricted coastal activity

- “(1) Where an inquiry for a restricted coastal activity by the Environment Court under section 118(6) has been determined, the sealed recommendation of the Environment Court is the final decision in accordance with section 295, and the coastal permit commences on the date of the decision or such later date as determined by the Environment Court. 5 10
- “(2) Within 20 working days of receiving a recommendation of a hearing committee under section 118(2) for a restricted coastal activity, the Minister of Conservation must make a decision on the application and give reasons for that decision. Where the Minister of Conservation decides to grant a coastal permit under this subsection, the coastal permit commences on the date of the decision or such later date as determined by the Minister. 15
- “(3) When considering a decision on an application for a restricted coastal activity, the Minister of Conservation or the Environment Court must have regard to the matters set out in section 104, and may grant or refuse to grant the coastal permit and, in granting the permit, may include any conditions in it in accordance with section 108. 20
- “(4) The Minister of Conservation must not grant or refuse to grant a coastal permit for a restricted coastal activity under **subsection (2)**, or include any conditions in a permit, if the reason for granting or refusing the permit or including the condition concerns a matter that was not considered by the hearing committee under section 117, without the written agreement of the parties to the hearing. 25 30
- “(5) Where the Minister of Conservation considers that **subsection (4)** may apply, the Minister may if he or she considers it appropriate in the circumstances, refer the application back to the hearing committee which dealt with the application, and seek a recommendation on the new matter in relation to the application. 35
- “(6) Where an application is referred back under **subsection (5)**, the provisions of sections 117 and 118 apply accordingly, and the period of 20 working days specified in **subsection (2)** does not 40

begin until the Minister of Conservation has received the recommendation requested under **subsection (5)**.

- “(7) The Minister of Conservation or the Environment Court must not grant a coastal permit for a restricted coastal activity if the activity is contrary to— 5
- “(a) section 107 or section 107A or section 217:
 - “(b) an Order in Council in force under section 152:
 - “(c) any regulations:
 - “(d) a *Gazette* notice referred to in section 26(1), (2), and (5) of the Foreshore and Seabed Act 2004.” 10

5 Residual powers of regional council

Section 119A is amended—

- (a) by inserting “or the Environment Court” after “or the Minister of Conservation” in each place it occurs:
- (b) by inserting “or the Environment Court” in paragraph (a)(ii) after “Minister”. 15

6 New section 119B inserted

The following section is inserted after section 119A:

- “**119B Applications for restricted coastal activity finally determined** 20
- “(1) **Section 119(1)** applies to any final determination and sealed recommendation of the Environment Court effective from 26 October 2005.
- “(2) A decision relating to an application under **section 119(2)** has effect on and from the date it is made, despite any other final decision that has been made under this Act.” 25