

House of Representatives

Supplementary Order Paper

Thursday, 1 December 2016

Hurunui/Kaikōura Earthquakes Emergency Relief Bill

Proposed amendments

Eugenie Sage, in Committee, to move the following amendments:

Clause 13

Delete *clause 13* (page 6, lines 7 to 12).

Clause 22

Delete *clause 22* (page 10, lines 31 to 36).

Explanatory note

This Supplementary Order Paper deletes *clauses 13 and 22* of the Bill because they cut across the Resource Management Act 1991 (**RMA**) by removing the ability for third parties to take legal action to get a declaration or similar order from the Environment Court to require a local authority to enforce its statutory responsibilities under the RMA.

For example, a farmer might want to initiate proceedings if a neighbour was using the permissions granted by *clause 10* to do extensive vegetation clearance and earthworks, disproportionate to damage caused by the earthquake, where these were causing downstream effects, and the local authority was doing nothing about this.

The Bill makes the blasting and dredging of Kaikōura harbours a controlled activity for which consent must be granted (instead of its current plan status of a non-complying activity, which would make it subject to stricter evaluation under the RMA). The Bill gives considerable power to local authorities in relation to North Harbour and South Harbour on the Kaikōura Peninsula, which Environment Canterbury Regional Council's regional coastal plan identifies as having significant natural value.

Deleting *clause 22* would enable third parties to take enforcement proceedings if local authorities do not properly implement the RMA and the Bill's provisions around the

assessment of effects and encouraging comment on the dredging and blasting. Deleting *clauses 13 and 22* would not allow court proceedings against the activities themselves. It would simply retain the existing ability and safeguard in the RMA for citizens to apply to the courts to clarify a council's statutory responsibilities and/or to request that a council implement its responsibilities under the RMA.